

*State of Iowa*

**JOURNAL  
OF THE SENATE**

**EIGHTY-THIRD  
GENERAL ASSEMBLY**

**2010 REGULAR SESSION**

**Volume I**

**JOHN P. KIBBIE, President of the Senate**  
**MICHAEL E. MARSHALL, Secretary of the Senate**

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Des Moines



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EIGHTY-THIRD GENERAL ASSEMBLY  
2010 Regular Session

OFFICERS OF THE SENATE

JOHN P. “JACK” KIBBIE, <i>President of the Senate</i> .....	Emmetsburg
JEFF DANIELSON, <i>President Pro Tempore</i> .....	Cedar Falls
MICHAEL E. GRONSTAL, <i>Majority Leader</i> .....	Council Bluffs
THOMAS G. COURTNEY, <i>Majority Whip</i> .....	Burlington
STACI APPEL, <i>Assistant Majority Leader</i> .....	Ackworth
JOE BOLKCOM, <i>Assistant Majority Leader</i> .....	Iowa City
WILLIAM A. DOTZLER, JR., <i>Assistant Majority Leader</i> .....	Waterloo
JACK HATCH, <i>Assistant Majority Leader</i> .....	Des Moines
WILLIAM M. HECKROTH, <i>Assistant Majority Leader</i> .....	Waverly
AMANDA RAGAN, <i>Assistant Majority Leader</i> .....	Mason City
PAUL MCKINLEY, <i>Minority Leader</i> .....	Chariton
STEVE KETTERING, <i>Minority Whip</i> .....	Lake View
NANCY J. BOETTGER, <i>Assistant Minority Leader</i> .....	Harlan
DAVID JOHNSON, <i>Assistant Minority Leader</i> .....	Ocheyedan
PAT WARD, <i>Assistant Minority Leader</i> .....	West Des Moines
BRAD ZAUN, <i>Assistant Minority Leader</i> .....	Urbandale
MICHAEL E. MARSHALL, <i>Secretary of the Senate</i> .....	West Des Moines
KIRSTEN ANDERSON, <i>Minority Caucus Communications Director</i> .....	Des Moines
TOM ASHWORTH, <i>Minority Caucus Research Analyst III</i> .....	West Des Moines
ERIC BAKKER, <i>Senior Administrative Asst. to Majority Leader II</i> .....	Des Moines
KRIS BELL, <i>Majority Caucus Senior Research Analyst</i> .....	West Des Moines
JENNIFER BEMINIO, <i>Administrative Services Asst.</i> .....	Des Moines

KYLE BERG, <i>Switchboard Operator</i> .....	Indianola
K'ANN BRANDT, <i>Administrative Services Officer III</i> .....	Ankeny
LOIS J. BROWNELL, <i>Senior Finance Officer II</i> .....	Ankeny
JERRY CARLSON, <i>Doorkeeper</i> .....	Des Moines
LEILA CARLSON, <i>Postmistress</i> .....	Des Moines
STEPHEN CONWAY, <i>Senior Administrative Asst. to President II</i> .....	West Des Moines
ANGELA COX, <i>Administrative Services Officer</i> .....	Des Moines
JAMES DOUGLAS, <i>Doorkeeper</i> .....	Huxley
PAMELA DUGDALE, <i>Minority Caucus Senior Research Analyst</i> .....	West Des Moines
CATHERINE ENGEL, <i>Majority Caucus Research Analyst II</i> .....	West Des Moines
SUE FOECKE, <i>Majority Caucus Research Analyst II</i> .....	Des Moines
JAMES FRIEDRICH, <i>Minority Caucus Senior Research Analyst</i> .....	Ankeny
HANNAH GARDEN-MONHEIT, <i>Majority Caucus Research Analyst</i> .....	Des Moines
BRIDGET GODES, <i>Majority Caucus Research Analyst III</i> .....	Des Moines
JANET HAWKINS, <i>Assistant Secretary of the Senate I</i> .....	Bondurant
SUE ELLEN HUDSON, <i>Switchboard Operator</i> .....	Carlisle
JESSE HUGHES, <i>Administrative Services Asst.</i> .....	Des Moines
CALEB HUNTER, <i>Senior Administrative Asst. to Minority Leader</i> .....	West Des Moines
CAROLANN JENSEN, <i>Minority Caucus Senior Research Analyst</i> .....	
DEBBIE KATTENHORN, <i>Administrative Asst. to Majority Leader III</i> .....	Norwalk
THERESA L. KEHOE, <i>Majority Caucus Senior Research Analyst</i> .....	Des Moines
KAY KIBBIE, <i>Confidential Secretary to President</i> .....	Emmetsburg
WILLIAM L. KRIEG, <i>Sergeant-at-Arms II</i> .....	Des Moines
ROBERT LANGBEHN, <i>Doorkeeper</i> .....	Des Moines
JO ANN LARSON, <i>Switchboard Operator</i> .....	Indianola

ANGIE LEWIS, <i>Minority Caucus Research Analyst</i> .....	West Des Moines
FRANK LOEFFEL, <i>Doorkeeper</i> .....	Des Moines
LARA MARGELOFSKY, <i>Administrative Services Asst.</i> .....	Des Moines
RUSTY MARTIN, <i>Majority Caucus Senior Research Analyst</i> .....	Des Moines
PETER MATTHES, <i>Minority Caucus Senior Staff Director</i> .....	Ankeny
DON McDOWELL, <i>Administrative Assistant to Minority Leader</i> .....	Urbandale
JACE MIKELS, <i>Majority Caucus Research Analyst I</i> .....	Waukee
JAY MOSHER, <i>Bill Clerk</i> .....	Milo
KATHY OLAH, <i>Senior Indexer</i> .....	West Des Moines
RON PARKER, <i>Majority Caucus Senior Staff Director</i> .....	Des Moines
BETTY SHEA, <i>Administrative Services Officer</i> .....	Altoona
TOM SHELDAHL, <i>Assistant Sergeant-at-Arms</i> .....	West Des Moines
ERICA SHORKEY, <i>Majority Caucus Deputy Communications Director</i> .....	Des Moines
JULIE T. SIMON, <i>Majority Caucus Research Analyst III</i> .....	Des Moines
MAUREEN TAYLOR, <i>Administrative Services Officer</i> .....	Des Moines
RUSS TRIMBLE, <i>Minority Caucus Research Analyst III</i> .....	West Des Moines
KERRY WRIGHT, <i>Majority Caucus Research Analyst II</i> .....	West Des Moines

JOINT EMPLOYEES OF THE SENATE AND HOUSE

MARK L. WILLEMSSEN, <i>Senior Facilities Manager</i> .....	Johnston
RICHARD J. LABERTEW, <i>Conservation/Restoration Specialist II</i> .....	Indianola
MARK S. LUNDBERG, <i>Conservation/Restoration Specialist II</i> .....	Des Moines
SHAWNA S. FERGUSON, <i>Legislative Security Coordinator II</i> .....	Norwalk
KATHLEEN BACUS, <i>Security Officer</i> .....	Knoxville
ROBERT CORNWELL, <i>Security Officer</i> .....	Johnston
SAM GROVES, <i>Security Officer</i> .....	Ankeny
MARSHALL IRWIN, <i>Security Officer</i> .....	Des Moines
CARL T. LAMI, <i>Security Officer</i> .....	Grimes
STEVE MARSH, <i>Security Officer</i> .....	Madrid
JUDITH A. SALIER, <i>Security Officer</i> .....	Monroe
KERT SCHNELL, <i>Security Officer</i> .....	Newton
CURTIS SCOTT, <i>Security Officer</i> .....	Waukee
GORDON SKEFFINGTON, <i>Security Officer</i> .....	Waukee
LEO R. SKEFFINGTON, <i>Security Officer</i> .....	Adel
RICHARD TAYLOR, <i>Security Officer</i> .....	Earlham
JAMES WALTON, <i>Security Officer</i> .....	Cedar Rapids
SHIRLEY ROACH, <i>Senior Copy Center Operator</i> .....	Des Moines
HANNAH MAHAN, <i>Assistant Copy Center Operator</i> .....	Clive
KATHY STACHON, <i>Lobbyist Clerk</i> .....	Urbandale



## ELECTED STATE OFFICIALS

Official Address: Des Moines, Iowa

CHESTER J. CULVER, <i>Governor</i> .....	West Des Moines
PATTY JUDGE, <i>Lieutenant Governor</i> .....	Albia
MICHAEL A. MAURO, <i>Secretary of State</i> .....	Des Moines
DAVID A. VAUDT, <i>Auditor of State</i> .....	West Des Moines
MICHAEL L. FITZGERALD, <i>Treasurer of State</i> .....	Urbandale
BILL NORTHEY, <i>Secretary of Agriculture</i> .....	Spirit Lake
TOM MILLER, <i>Attorney General</i> .....	Des Moines

## JUSTICES OF THE IOWA SUPREME COURT

MARSHA K. TERNUS, <i>Chief Justice</i> .....	Grimes
BRENT R. APPEL, <i>Justice</i> .....	Ackworth
DAVID L. BAKER, <i>Justice</i> .....	Cedar Rapids
MARK S. CADY, <i>Justice</i> .....	Fort Dodge
DARYL L. HECHT, <i>Justice</i> .....	Sioux City
MICHAEL J. STREIT, <i>Justice</i> .....	Johnston
DAVID S. WIGGINS, <i>Justice</i> .....	West Des Moines

## JUDGES OF THE IOWA COURT OF APPEALS

ROSEMARY SHAW SACKETT, <i>Chief Judge</i> .....	Okoboji
DAVID DANILSON, <i>Judge</i> .....	Boone
RICHARD H. DOYLE, <i>Judge</i> .....	Des Moines
LARRY J. EISENHAUER, <i>Judge</i> .....	Ankeny
EDWARD MANSFIELD, <i>Judge</i> .....	Des Moines
AMANDA POTTERFIELD, <i>Judge</i> .....	Tiffin
ANURADHA VAITHESWARAN, <i>Judge</i> .....	Des Moines
GAYLE NELSON VOGEL, <i>Judge</i> .....	Spirit Lake

# MEMBERS OF THE SENATE

## EIGHTY-THIRD GENERAL ASSEMBLY 2010 Regular Session

(Underlined county indicates the county of residence.)

### STACI APPEL

Address ..... Ackworth  
Age ..... 43  
Occupation ..... Legislator  
Political Party ..... Democratic  
Previous Legislative Service ..... Senate: 2007–2009  
Senatorial District ..... 37–Dallas, Madison, Warren

### MERLIN BARTZ

Address ..... Grafton  
Age ..... 49  
Occupation ..... Farmer/Laborer  
Political Party ..... Republican  
Previous Legislative Service ..... House: 1991–1992; Senate: 1993–2002, 2009  
Senatorial District ..... 6–Cerro Gordo, Franklin, Hancock, Winnebago, Worth

### DARYL BEALL

Address ..... Fort Dodge  
Age ..... 63  
Occupation ..... Journalist  
Political Party ..... Democratic  
Previous Legislative Service ..... Senate: 2003–2009  
Senatorial District ..... 25–Calhoun, Greene, Webster

### JERRY BEHN

Address ..... Boone  
Age ..... 56  
Occupation ..... Farmer/Agribusiness  
Political Party ..... Republican  
Previous Legislative Service ..... Senate: 1997–2009  
Senatorial District ..... 24–Boone, Dallas

### DENNIS H. BLACK

Address ..... Grinnell  
Age ..... 70  
Occupation ..... Retired–Conservationist  
Political Party ..... Democratic  
Previous Legislative Service ..... House: 1983–1994; Senate: 1995–2009  
Senatorial District ..... 21–Jasper, Polk

**NANCY J. BOETTGER**

Address ..... Harlan  
 Age ..... 67  
 Occupation ..... Farmer/Former Educator  
 Political Party ..... Republican  
 Previous Legislative Service ..... Senate: 1995–2009  
 Senatorial District ..... 29–Adair, Audubon, Cass, Guthrie,  
 Pottawattamie, Shelby

**JOE BOLKCOM**

Address ..... Iowa City  
 Age ..... 53  
 Political Party ..... Democratic  
 Previous Legislative Service ..... Senate: 1999–2009  
 Senatorial District ..... 39–Johnson

**THOMAS G. COURTNEY**

Address ..... Burlington  
 Age ..... 62  
 Occupation ..... Retired  
 Political Party ..... Democratic  
 Previous Legislative Service ..... Senate: 2003–2009  
 Senatorial District ..... 44–Des Moines, Louisa, Muscatine

**SWATI A. DANDEKAR**

Address ..... Marion  
 Age ..... 59  
 Occupation ..... Community Leader  
 Political Party ..... Democratic  
 Previous Legislative Service ..... House: 2003–2009  
 Senatorial District ..... 18–Linn

**JEFF DANIELSON**

Address ..... Cedar Falls  
 Age ..... 39  
 Occupation ..... Professional Firefighter  
 Political Party ..... Democratic  
 Previous Legislative Service ..... Senate: 2005–2009  
 Senatorial District ..... 10–Black Hawk

**DICK L. DEARDEN**

Address ..... Des Moines  
 Age ..... 71  
 Occupation ..... Retired, Job Developer—5th Judicial District  
 Political Party ..... Democratic  
 Previous Legislative Service ..... Senate: 1995–2009  
 Senatorial District ..... 34—Polk

**WILLIAM A. DOTZLER, JR.**

Address ..... Waterloo  
 Age ..... 62  
 Occupation ..... Retired—John Deere  
 Political Party ..... Democratic  
 Previous Legislative Service ..... House: 1997–2002; Senate: 2003–2009  
 Senatorial District ..... 11—Black Hawk

**ROBERT E. DVORSKY**

Address ..... Coralville  
 Age ..... 61  
 Occupation ..... Executive Officer, 6th Jud. District—Dept. of Correctional Services  
 Political Party ..... Democratic  
 Previous Legislative Service ..... House: 1987–1993; Senate: 1994\*–2009  
 Senatorial District ..... 15—Johnson, Linn  
 \*Elected in special election held on February 22, 1994.

**RANDY FEENSTRA**

Address ..... Hull  
 Age ..... 41  
 Occupation ..... Finance and Insurance—Iowa State Bank  
 Political Party ..... Republican  
 Previous Legislative Service ..... 2009  
 Senatorial District ..... 2—Lyon, Plymouth, Sioux

**GENE FRAISE**

Address ..... Fort Madison  
 Age ..... 77  
 Occupation ..... Farmer  
 Political Party ..... Democratic  
 Previous Legislative Service ..... Senate: 1986\*–2009  
 Senatorial District ..... 46—Henry, Lee  
 \*Elected in special election held on January 7, 1986.

**MICHAEL E. GRONSTAL**

Address ..... Council Bluffs  
 Age ..... 60  
 Political Party ..... Democratic  
 Previous Legislative Service ..... House: 1983–1984; Senate: 1985–2009  
 Senatorial District ..... 50–Pottawattamie

**JAMES F. HAHN**

Address ..... Muscatine  
 Age ..... 74  
 Occupation ..... Property Management  
 Political Party ..... Republican  
 Previous Legislative Service ..... House: 1991–2004; Senate: 2005–2009  
 Senatorial District ..... 40–Cedar, Johnson, Muscatine

**SHAWN HAMERLINCK**

Address ..... Dixon  
 Age ..... 30  
 Occupation ..... Education, Adjunct Professor–Augustana College  
 Political Party ..... Republican  
 Previous Legislative Service ..... 2009  
 Senatorial District ..... 42–Clinton, Scott

**TOM HANCOCK**

Address ..... Epworth  
 Age ..... 62  
 Occupation ..... Retired–United States Postal Service  
 Political Party ..... Democratic  
 Previous Legislative Service ..... Senate: 2005–2009  
 Senatorial District ..... 16–Delaware, Dubuque, Jones

**DAVID HARTSUCH**

Address ..... Bettendorf  
 Age ..... 48  
 Occupation ..... Physician  
 Political Party ..... Republican  
 Previous Legislative Service ..... Senate: 2007–2009  
 Senatorial District ..... 41–Scott

**JACK HATCH**

Address ..... Des Moines  
 Age ..... 60  
 Occupation ..... Real Estate Developer  
 Political Party ..... Democratic  
 Previous Legislative Service ..... House: 1985–1992, 2001–2002; Senate: 2003–2009  
 Senatorial District ..... 33–Polk

**WILLIAM M. HECKROTH**

Address ..... Waverly  
 Age ..... 60  
 Occupation ..... Financial Advisor  
 Political Party ..... Democratic  
 Previous Legislative Service ..... Senate: 2007–2009  
 Senatorial District ..... 9–Black Hawk, Bremer, Butler, Fayette

**ROBERT M. HOGG**

Address ..... Cedar Rapids  
 Age ..... 43  
 Occupation ..... Attorney  
 Political Party ..... Democratic  
 Previous Legislative Service ..... House: 2003–2006; Senate: 2007–2009  
 Senatorial District ..... 19–Linn

**WALLY E. HORN**

Address ..... Cedar Rapids  
 Age ..... 76  
 Occupation ..... Legislator  
 Political Party ..... Democratic  
 Previous Legislative Service ..... House: 1973–1982; Senate: 1983–2009  
 Senatorial District ..... 17–Linn

**HUBERT HOUSER**

Address ..... Carson  
 Age ..... 67  
 Occupation ..... Farmer  
 Political Party ..... Republican  
 Previous Legislative Service ..... House: 1993–2001; Senate: 2002\*–2009  
 Senatorial District ..... 49–Fremont, Mills, Page, Pottawattamie

\*Elected in special election held on June 12, 2001.

**PAM JOCHUM**

Address ..... Dubuque  
 Age ..... 55  
 Occupation ..... Instructor  
 Political Party ..... Democratic  
 Previous Legislative Service ..... House: 1993–2009  
 Senatorial District ..... 14–Dubuque

**DAVID JOHNSON**

Address ..... Ocheyedan  
 Age ..... 59  
 Occupation ..... Dairy Farming  
 Political Party ..... Republican  
 Previous Legislative Service ..... House: 1999–2002; Senate: 2003–2009  
 Senatorial District ..... 3–Clay, Dickinson, O’Brien, Osceola, Sioux

**TIM L. KAPUCIAN**

Address ..... Keystone  
 Age ..... 53  
 Occupation ..... Farmer  
 Political Party ..... Republican  
 Previous Legislative Service ..... 2009  
 Senatorial District ..... 20–Benton, Grundy, Iowa, Tama

**STEVE KETTERING**

Address ..... Lake View  
 Age ..... 66  
 Occupation ..... Community Banker  
 Political Party ..... Republican  
 Previous Legislative Service ..... House: 1999–2002; Senate: 2003–2009  
 Senatorial District ..... 26–Buena Vista, Carroll, Crawford, Sac

**JOHN P. “JACK” KIBBIE**

Address ..... Emmetsburg  
 Age ..... 80  
 Occupation ..... Farmer  
 Political Party ..... Democratic  
 Previous Legislative Service ..... House: 1961–1964; Senate: 1965–1968, 1989–2009  
 Senatorial District ..... 4–Emmet, Humboldt, Kossuth,  
Palo Alto, Pocahontas, Webster

**KEITH A. KREIMAN**

Address ..... Bloomfield  
 Age ..... 55  
 Occupation ..... Attorney  
 Political Party ..... Democratic  
 Previous Legislative Service ..... House: 1993–2002; Senate: 2003–2009  
 Senatorial District ..... 47–Appanoose, Davis, Wapello, Wayne

**MATT McCOY**

Address ..... Des Moines  
 Age ..... 44  
 Occupation ..... Owner of Resource Development Consultants (RDC)  
 Political Party ..... Democratic  
 Previous Legislative Service ..... House: 1993–1996; Senate: 1997–2009  
 Senatorial District ..... 31–Polk

**PAUL McKINLEY**

Address ..... Chariton  
 Age ..... 62  
 Occupation ..... Businessman  
 Political Party ..... Republican  
 Previous Legislative Service ..... Senate: 2001–2009  
 Senatorial District ..... 36–Jasper, Lucas, Mahaska, Marion, Monroe

**LARRY L. NOBLE**

Address ..... Ankeny  
 Age ..... 59  
 Occupation ..... Retired– State Trooper  
 Political Party ..... Republican  
 Previous Legislative Service ..... Senate: 2007–2009  
 Senatorial District ..... 35–Polk

**RICH OLIVE**

Address ..... Story City  
 Age ..... 60  
 Occupation ..... Realtor  
 Political Party ..... Democratic  
 Previous Legislative Service ..... Senate: 2007–2009  
 Senatorial District ..... 5–Hamilton, Story, Webster, Wright



**HERMAN C. QUIRMBACH**

Address ..... Ames  
 Age ..... 59  
 Occupation ..... Associate Professor of Economics—Iowa State University  
 Political Party ..... Democratic  
 Previous Legislative Service ..... Senate: 2003–2009  
 Senatorial District ..... 23—Boone, Story

**AMANDA RAGAN**

Address ..... Mason City  
 Age ..... 55  
 Occupation ..... Exec. Dir. of Community Kitchen of North Iowa/  
 Exec. Dir. of Meals on Wheels  
 Political Party ..... Democratic  
 Previous Legislative Service ..... Senate: 2002\*–2009  
 Senatorial District ..... 7—Cerro Gordo, Floyd, Howard, Mitchell  
 \*Elected in special election held on March 12, 2002.

**KIM REYNOLDS**

Address ..... Osceola  
 Age ..... 50  
 Occupation ..... Former County Treasurer(4 terms)/  
 Business Dev. Manager—ABC Virtual Comm.  
 Political Party ..... Republican  
 Previous Legislative Service ..... 2009  
 Senatorial District ..... 48—Adams, Clarke, Decatur, Montgomery,  
 Ringgold, Taylor, Union

**TOM RIELLY**

Address ..... Oskaloosa  
 Age ..... 43  
 Occupation ..... Insurance Sales  
 Political Party ..... Democratic  
 Previous Legislative Service ..... Senate: 2005–2009  
 Senatorial District ..... 38—Iowa, Keokuk, Mahaska, Poweshiek, Tama

**BECKY SCHMITZ**

Address ..... Fairfield  
 Age ..... 60  
 Occupation ..... Social Worker  
 Political Party ..... Democratic  
 Previous Legislative Service ..... Senate: 2007–2009  
 Senatorial District ..... 45—Jefferson, Johnson, Van Buren, Wapello, Washington

**BRIAN SCHOENJAHN**

Address ..... Arlington  
 Age ..... 60  
 Occupation ..... Legislator/EMT–Arlington Fire Department  
 Political Party ..... Democratic  
 Previous Legislative Service ..... Senate: 2005–2009  
 Senatorial District ..... 12–Black Hawk, Buchanan, Clayton, Delaware, Fayette

**JOE M. SENG**

Address ..... Davenport  
 Age ..... 63  
 Occupation ..... Veterinarian  
 Political Party ..... Democratic  
 Previous Legislative Service ..... House: 2001–2002; Senate: 2003–2009  
 Senatorial District ..... 43–Scott

**JAMES A. SEYMOUR**

Address ..... Woodbine  
 Age ..... 71  
 Occupation ..... Retired–Hospital Administrator/CEO  
 Political Party ..... Republican  
 Previous Legislative Service ..... Senate: 2003–2009  
 Senatorial District ..... 28–Crawford, Harrison, Ida, Monona,  
 Pottawattamie, Woodbury

**STEVEN J. SODDERS**

Address ..... State Center  
 Age ..... 40  
 Occupation ..... Deputy Sheriff  
 Political Party ..... Democratic  
 Previous Legislative Service ..... 2009  
 Senatorial District ..... 22–Franklin, Hardin, Marshall

**ROGER STEWART**

Address ..... Preston  
 Age ..... 78  
 Occupation ..... Banker/Farmer  
 Political Party ..... Democratic  
 Previous Legislative Service ..... Senate: 2003–2009  
 Senatorial District ..... 13–Clinton, Dubuque, Jackson

**PAT WARD**

Address ..... West Des Moines  
 Age ..... 52  
 Occupation ..... Former Public and Government Relations Executive  
 Political Party ..... Republican  
 Previous Legislative Service ..... Senate: 2004\*–2009  
 Senatorial District ..... 30–Polk

\*Elected in special election held on February 3, 2004.

**STEVE WARNSTADT**

Address ..... Sioux City  
 Age ..... 42  
 Occupation ..... Legislator/National Guard  
 Political Party ..... Democratic  
 Previous Legislative Service ..... House: 1995–2002; Senate: 2003–2009  
 Senatorial District ..... 1–Woodbury

**RON WIECK**

Address ..... Sioux City  
 Age ..... 65  
 Occupation ..... Retired  
 Political Party ..... Republican  
 Previous Legislative Service ..... Senate: 2003–2009  
 Senatorial District ..... 27–Cherokee, Plymouth, Woodbury

**MARY JO WILHELM**

Address ..... Cresco  
 Age ..... 55  
 Occupation ..... Appraiser  
 Political Party ..... Democratic  
 Previous Legislative Service ..... 2009  
 Senatorial District ..... 8–Allamakee, Chickasaw,  
Howard, Winneshiek

**BRAD ZAUN**

Address ..... Urbandale  
 Age ..... 48  
 Occupation ..... V.P. of R & R Realty Marketing Group  
 Political Party ..... Republican  
 Previous Legislative Service ..... Senate: 2005–2009  
 Senatorial District ..... 32–Polk



# JOURNAL OF THE SENATE

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FIRST CALENDAR DAY  
FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, January 11, 2010

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the 2010 Regular Session of the Eighty-third General Assembly convened at 10:03 a.m. The Senate was called to order by President Kibbie.

Prayer was offered by Father Jim Kiernan, retired priest of St. Ambrose Cathedral Parish in Des Moines, Iowa. He was the guest of Senators Hatch, Kibbie, and Zaun.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senator Gene Fraise.

## OPENING REMARKS BY THE PRESIDENT OF THE SENATE

President Kibbie addressed the Senate with the following remarks:

Good morning. I would like to welcome all of you back to the Second Session of the 83<sup>rd</sup> General Assembly.

Before I begin my opening remarks, I would like to recognize one of our colleagues who has attained another important milestone in his life.

Senator Steve Warnstadt has been promoted to Colonel in the Iowa National Guard. Senator Warnstadt has gained the trust and confidence of all of us in this chamber. Steve, we are proud of your accomplishments and are privileged to serve with you in the Senate.

As we enter this difficult session, we need to recognize the sacrifices that have already been made in both the private and public sectors.

Concessions have been made to the realities of a prolonged national recession by those on main street and by the unions that represent our public employees.

I applaud the actions agreed to that will save public sector jobs and will allow us to continue to provide critical services to Iowans who need them.

I appreciate the leadership of Governor Culver in making the tough decisions to bring the FY 2010 budget into balance. His actions were decisive and I think the

appropriate action rather than the alternative which was calling the Legislature back. That would have been time consuming and politically charged. Now that we are back, we must exercise our responsibilities to put in order the priorities of our state for the next fiscal year.

This budget crisis offers us the opportunity to look for efficiencies in the way we do the state's business. The old saying that we must do more with less has never been truer.

As the lower revenue figures came in, I was encouraged by the quantity and quality of ideas that were proposed by members of both parties and in both chambers. Those ideas provide us with starting points for the members of our budget subcommittees as they continue deliberations on the 2011 budget.

I know we always say that we should work together to choose our priorities, and I remain hopeful that we move above the politics of these decisions and make choices without finger pointing or efforts to score points with some constituency.

All of us will be contacted by our constituents and interest groups who want us to save some program or spend money we don't have. I have heard many in my district who have compelling stories, but we must convey to all that "no means no." Our job is easy when we can say "yes" but is much more difficult when we are required to say "no".

We have a very short window this year as we have determined this will be an 80-day session. We will have only 2 months to make our budget decisions and no one believes the job will be easy.

I am hopeful we can ensure that we don't go backward on our commitments to educate our children; that we retain the social safety net for those Iowa families in the most need; that we do the best we can to promote economic growth; and that we can leave this session with the sense that we did the best for Iowans.

I spoke earlier about efficiencies and I think one of the most important tasks we have this session is the opportunity to look at the cost saving recommendations made by Governor Culver as well as the suggestions offered by our colleagues Senator Appel and Representative Mascher.

Many of these suggestions have bipartisan appeal and we should move these cost saving measures early in the session. A comprehensive review like this is past due and from what I have seen, the work of the Governor's Office and the members of the Legislature of both parties have produced recommendations that will save money and provide a leaner, more responsive government.

I would close by saying that we are now in the 29<sup>th</sup> month of this brutal economic recession. While the future often looks dark, I remain confident that better times are in front of us.

While our task has been difficult and we still have tough decisions to make, Iowa is much better positioned than many other states so the growth we are now seeing will accelerate the rest of this year and into 2011 so that the future for our citizens will be better.

Our efforts in this session will go a long way to sustain that progress. I look forward to working with all of you as we help our state move forward.

And by the way how about those Hawkeyes in the Orange Bowl and Iowa State in the Insight Bowl. They made Iowans proud. Let us do the same.

Thank you.

## REMARKS BY THE MAJORITY LEADER

Senator Gronstal addressed the Senate as follows:

Mr. President, colleagues and staff. Welcome to the second session of the Eighty-Third General Assembly of the Iowa Senate.

While we all enjoy seeing each other again, the truth is this will be a difficult session. Given the state of the economy, how could it be otherwise?

We are in the middle of the worst economic recession since the Great Depression.

Almost 50,000 Iowans have lost their jobs in the last year. That is a shocking number, and while some may say that it is just a number, we all live and work in local districts across the state, we know many of the stories behind that number. Businesses who have had to cut back or close. Communities that are struggling. And far too many Iowa families whose lives are now dominated by uncertainty and stress.

It does not matter that Iowans had little to do with the reckless greed and corporate overreaching that created this recession. The historic size of this economic downturn means no state has been spared.

The falloff in economic activity that has hammered businesses has also hit state and local governments. Iowa state revenue has never before fallen so far so fast.

The good news for Iowa taxpayers is that State law requires our budget to be balanced. Let there be no doubt: We will have a balanced state budget when we adjourn by March 31<sup>st</sup>.

Thanks to Governor Culver's 10 percent across the board cut last fall, this year's budget is under control. Our primary task during this session is to write a balanced budget for next year.

And that is what we will do. We will balance the budget, and we will do it WITHOUT raising taxes. We will not add to the burdens of middle class families by raising taxes during a recession.

To get the job done, we will have to cut almost every service provided by state government.

At the same time, we will reorganize state government for the first time in more than 25 years. By consolidating agencies and delivering services to Iowans more efficiently, we will eliminate wasteful spending and create more accountability for taxpayers.

We've already cut on-going expenses by more than \$75 million. We will implement millions in savings during this session.

The State Government Reorganization Commission is leading the way by focusing on finding solutions, not scoring political points. The recommendations they approved with a bipartisan, unanimous vote will be the basis of our reform work this year.

Please join me in thanking the commission's chair Senator Appel and our colleagues who were members: Senator Danielson, Senator Feenstra, Senator Hamerlinck and Senator Warnstadt.

Every citizen will have the information and the tools necessary to hold government accountable. In addition to making the state budget leaner, we will make it much easier for citizens to know where their tax dollars are going and the results they are producing.

We will also conduct a top-to-bottom review of every corporate tax credit. Tax dollars spent through tax credits should receive the same amount of scrutiny as tax dollars spent on local education or for children's health care. Tax credits that aren't creating promised jobs or accomplishing their intended goals should be fixed or eliminated.

During the next 80 days, here's what you should expect. You will be asked again and again to make exceptions. As the majority leader of the Senate, I'm counting on you to say "no." There simply is no way to avoid the pain of cutbacks we will make this year.

Saying "no" will get us through this tough budget year.

However, simply saying "no" is not a strategy for building a better future. And make no mistake about it, Iowa does have a bright future.

I was in the Legislature during the farm crisis of the 1980s. That was a dark time for Iowa, mostly because our state's economic future was so bleak.

Today, the downturn has been even steeper but Iowa's long term potential has never been greater. Yes, we must manage our way through this difficult time. And we won't be able to respond to the needs of Iowans the way we would like to.

But there is hope. Our economic efforts have put Iowa ahead of the nation. The independent, non-partisan Pew Center says that Iowa is the 2nd best managed state in the nation. Iowa has \$419 million in our reserves, and Iowa is spending less this year from the General Fund than three years ago.

We will come out of this recession with a newly right-sized, reorganized state government. And we will have protected our local schools, community colleges and public universities from the kind of devastating cuts occurring in other states.

When the inevitable economic recovery arrives, Iowa will be ready to respond.

Take, for example, our national leadership in renewable fuels like wind energy and biofuels. We are creating good jobs, energy independence and an economic advantage for anyone who uses energy in our state.

Major technology players like IBM and Google believe in Iowa's future. That's why they recently chose Iowa as the place for major new investments creating hundreds of jobs.

I've toured several ethanol plants in Iowa. The economic recession and the low price of oil has given this industry a hiccup but neither the recession nor low oil prices will last forever.

Every plant that I've visited is a center of technical innovation. The idea behind value-added agriculture was to capture more of the value of the crops we produce in Iowa. That idea is reality now in Iowa. We've moved from simply producing raw grain to producing food, fuel, fiber, plastics and other finished products from the crops we grow.

In a plant near Coon Rapids, I talked with a 26-year-old Iowan who worked in front of a wall of monitors. He told me that he never dreamed he would have a future in Iowa when he graduated from high school.

Today there are far too many people in working and middle class families across our Iowa who are wondering if they have a future in our state.

By responsibly balancing the budget without raising taxes, reforming and reorganizing state government, by protecting educational opportunity, and by continuing to lay the groundwork for future economic growth, we can make it possible for them to reach that future in our state.

## COMMITTEE FROM THE HOUSE

A committee from the House appeared and notified the Senate that the House was duly organized and ready to receive any communication the Senate might be ready to transmit.



## REMARKS BY THE MINORITY LEADER

Senator McKinley addressed the Senate as follows:

Thank you Mr. President.

Friends and colleagues: There is an ancient Chinese curse that says, "May you live in interesting times." Is there any doubt that we live in interesting times?

As we start this new legislative session in this new decade, we are faced with a great number of challenges. Before the gavel falls for the final time this year, I know this body will be asked to act on many of these challenges. We are all going to be asked to make choices and take votes that we all wish we could avoid.

As we convene today in these interesting times, our state faces the largest deficit its history as a result of this Legislature passing and this governor signing the largest amount of spending in state history just months ago. Never in Iowa's 164 years have we seen a deficit top \$1 billion dollars but that is precisely the fiscal predicament that we must contend with in this shortened session.

Iowa does not have a revenue problem – we have a spending problem. Only three months ago, Governor Culver signed a ten percent across-the-board cut. Given the level of unsustainable spending and because our Constitution thankfully demands a balanced budget, action needed to be taken. Yet, it was all avoidable.

Some may wish to cast blame with Washington or Wall Street but that misses the mark. Had we spent at the rate of inflation since 2004, our state would not have had the \$415 million dollar hole that needed to be eliminated by the governor's across-the-board cut. Instead, we would have had a balanced budget, an \$80 million dollar surplus and very few of the difficult fiscal decisions that we now must tackle in the coming weeks. Even after the governor made his across-the-board reduction, we are still left with the second most spending ever.

Republicans offered hundreds of millions in immediate cost savings last year and while most of them were voted down, we will continue to work hard to find savings, eliminate waste and offer innovative solutions that will result in a leaner and more efficient delivery of services to our constituents. Senate Republicans will continue to offer common sense solutions and a fiscally responsible vision for the years ahead.

If this body is truly serious about reorganizing government, Republicans stand ready to offer our solutions and suggestions to fundamentally and systemically reform the way our government operates. We must strive for lasting reforms and reject short-sighted attempts that will only further exacerbate the problem later. Now is not the time to kick the can further down the road.

We must now work together to pass a sustainable and responsible budget that funds the core essential services of government and reflects the priorities of our citizens. We must accomplish this without shifting taxes onto local governments, raising fees or continuing the past practice of using one-time dollars for ongoing expenditures.

While much of our focus may be on the budget, we face another tremendous challenge. We have 113,000 Iowans in the ranks of the unemployed and many other of our fellow citizens are underemployed having endured furloughs, benefit cuts and hour reductions. Our unemployment rate is now at levels not seen since the depths of the Farm Crisis a generation ago.

Senate Republicans believe we must make this session about jobs. We must grow this economy and send a clear message that Iowa is a destination for all those who wish to find success and fulfill their economic dreams. We must never lose focus on the future and remember that while we aim to help the Iowans of today, we are also

building a state so that all of our children, grandchildren and the future generations of Iowans can find a job, build a business and raise their families here. Many of us have been given so much and have achieved our dreams as a result of the lives we have lived in this wonderful state. We must work every day this session to make it possible for others to realize their dreams here too.

Last session, Iowa put \$1.7 billion dollars on the credit card to create temporary government make-work. Yet, all of that debt, to be paid off over three decades, will not lead to good paying sustainable private sector jobs. It is one thing to pay someone to dig a ditch and fill it back up and it is another thing to make it easier for sustainable private sector jobs to be created in every community in every county. We must move away from the mindset of allowing government to pick winners and losers and strive to help all who seek success.

Jobs can be created during a recession and during tough economic times. I know because I created lots of jobs in southern Iowa during the Farm Crisis. We must unleash the entrepreneurial spirit and ingenuity of the private sector. We know small business, the engine of economic growth in this state, is responsible for two out of every three new jobs created. We must not add additional barriers that will make it more difficult for jobs to be created.

Already, we've learned that the property taxpayers of this state will likely be forced to shoulder upwards of \$270 million in growth stopping increases this year alone. Let's create a climate with reasonable levels of regulation and taxation that encourages private investment in our workforce. It's time to set aside the legislation that raises taxes, puts out of balance the labor-management relationship and enacts new over zealous regulations that send jobs across our borders. We should not punish the very people who we need to help grow our state. Senate Republicans intend to focus on jobs and property tax relief and for the future of Iowa, our kids and grandchildren, I pray there is bi-partisan support.

Besides getting our fiscal house in order, working to make it easier for sustainable private sector jobs to be created and helping the property taxpayers, we will certainly be asked work on other important endeavors. Challenges exist in education, health care, energy, agriculture and with our natural resources. We must do better in providing oversight and never stop trying to make our government more open and transparent. We must also challenge ourselves to guarantee ample public safety and ensure that we have roads and infrastructure that are safe, reliable and capable of supporting the Iowa economy of the future.

With a shortened session, we must work efficiently and diligently on behalf of the citizens of this great state – the citizens and taxpayers who elected us and put their trust in us to carry out their wishes. They are asking us to lay the foundation for a brighter and more optimistic future. Senate Republicans are eager and energized to play a significant role in leading Iowa forward.

This is now the second session where I have served as the Republican Leader and as I have traveled extensively throughout this wonderful state in the past few months, I've met with Iowans from all corners of the state and from all walks of life. I've heard one common message: government is too big, too out-of-touch and it is increasingly out-of-control. In fact, I know there are tea parties here today and I welcome their scrutiny. Whether Iowans are gathering at tea parties all over the state demanding a greater voice, less spending, a smaller government, more freedom, liberty and opportunity or whether they want us, the members of the General Assembly, to finally give them a vote on the basic definition of marriage: we have a duty to listen to their concerns for they are the reason we are in this chamber today.

We, as elected officials, have been granted an incredible authority to set policy and represent the people of this state. As individuals, we are here to serve as the voice and

vote of our constituents in our districts but together we must work for the betterment of all.

Senate Republicans are again ready to get to work for the people of this state. Our agenda is straight forward: if it helps streamline government, keeps government within its means and does not ask for the taxpayer to shoulder even more of the burden through higher taxes, you will see broad Republican support. If the proposals help make it easier for sustainable private sector jobs to be created, you will see broad Republican support. If we are about expanding freedom, liberty and opportunity in this state, Republicans will be on board. But if the proposals and legislation seeks to do otherwise – if they seek to continue to grow government, raise taxes and make it more difficult for jobs to be created - do not be surprised to find us strongly opposed.

I want to conclude by offering one more famous Chinese proverb. It says, quite simply, “May you find what you are looking for.” There are 50 of us in this chamber and together we represent the three million Iowans that call our beautiful state home. Every Iowan is unique and special but we all are looking for similar things: a better life and jobs for our family, good schools and safe communities for our children and a government that lives within its means, promotes liberty and fosters opportunity.

Iowans are blessed with common sense, are hardworking, frugal and optimistic about the future. They care about their communities, their schools and the neighbors around them. Our people are smart, they love this state and they want what is best for their families. This sense of independence, community and self sufficiency is the bedrock and lifeblood of this great state.

Mr. President, let us work together every day to offer a more optimistic, hopeful and prosperous future. Always be proud to be an Iowan and though we live in interesting times, may we all find what we are looking for.

Thank you very much.

## COMMITTEE TO NOTIFY THE GOVERNOR

Senator Gronstal moved that a committee of five be appointed to notify the Governor that the Senate was organized and ready to receive any communication that he might be ready to transmit.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Wilhelm, Chair; Danielson, Quirmbach, Feenstra, and Johnson.

## COMMITTEE TO NOTIFY THE HOUSE

Senator Gronstal moved that a committee of five be appointed to notify the House of Representatives that the Senate was organized and ready for business.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Hogg, Chair; Warnstadt, Jochum, Reynolds, and Hamerlinck.

RECESS

On motion of Senator Gronstal, the Senate recessed at 10:35 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 10:43 a.m., President Kibbie presiding.

REPORT OF THE COMMITTEE TO NOTIFY THE HOUSE

Senator Hogg reported that the committee assigned to notify the House that the Senate was organized and ready for business had performed its duty.

The report was accepted, and the committee was discharged.

SUPPLEMENTAL REPORT OF OFFICERS AND EMPLOYEES OF THE SENATE

MR. PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following individuals as permanent officers and employees of the Senate for the 2010 Session of the Eighty-third General Assembly:

Legal Counsel

Administrative Services Assistant ..... Lara Margelofsky

Secretaries to Senators

Committee Secretary .....	Ryan Bratvold
Committee Secretary .....	Rachael Creswell
Committee Secretary .....	Susan Elgin
Committee Secretary .....	Erin Kreiman
Committee Secretary .....	Matthew Peirce
Committee Secretary .....	Sara Sedlacek
Committee Secretary .....	Mary Shields
Committee Secretary .....	Kelli Todd
Committee Secretary .....	Joanne Walton
Committee Secretary .....	Jacob Wilson
Committee Secretary .....	Christian Zenti
Secretary .....	Suzanne Behnke
Secretary .....	Candace Boucher
Secretary .....	Susan Bruckshaw

Secretary ..... Emily Lofgren  
 Secretary ..... Shelly McCullough  
 Secretary ..... Katherine Tenner

MICHAEL E. GRONSTAL, Chair

Senator Gronstal moved the adoption of the report and appointment of the permanent officers and employees of the Senate.

The motion prevailed by a voice vote, and the foregoing officers and employees appeared before the bar of the Senate and were duly sworn to their oaths of office.

APPOINTMENT OF PAGES

Senator Gronstal asked and received unanimous consent to take up the following report of the committee on Rules and Administration:

MR. PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following persons as Pages for the Senate for the 2010 Session of the Eighty-third General Assembly:

- Joshua Berg, Clare
- Bailey Bishop, Baxter
- Matthew Brown, Estherville
- John Cashman, Waverly
- Caroline Dvorsky, Coralville
- Trisha Kempton, Corning
- Daniel Meyers, Waverly
- Aaron Pope, West Des Moines
- Alexander Schalla, Cantril
- Taylor Sedlacek, Mount Vernon
- Vanessa Shirley, Des Moines
- Chloe Wilson, Ankeny

MICHAEL E. GRONSTAL, Chair

Senator Gronstal moved the adoption of the report and the appointment of the Senate Pages.

The motion prevailed by a voice vote, and the foregoing Senate Pages appeared before the bar of the Senate and were duly sworn to their oaths of office.

## REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

Senator Wilhelm reported that the committee assigned to notify the Governor that the Senate was organized and ready for business had performed its duty.

The report was accepted, and the committee was discharged.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:05 a.m. until 8:45 a.m., Tuesday, January 12, 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

FY 2009 Diversity and Affirmative Action in Iowa Report, pursuant to Iowa Code section 19B.5. Report received on October 5, 2009.

DAS Annual Report for FY 2009, pursuant to Iowa Code section 7E.3(4). Report received on November 30, 2009.

#### OFFICE OF AUDITOR OF STATE

Report on Targeted Small Business Procurement Goals, pursuant to Iowa Code section 11.46. Report received on December 18, 2009.

Report on Attorney General's Office Reimbursement Recommendations, pursuant to 2009 Iowa Acts, SF 475. Report received on December 22, 2009.

#### DEPARTMENT FOR THE BLIND

Approval of Educational Leave Requests, pursuant to administrative rule 11-63.10(4). Documents received on June 5, 2009.

#### IOWA BOARD OF PAROLE

Interim Status Report on Certificate of Employability, pursuant to 2009 Iowa Acts, SF 475. Report received on December 21, 2009.

## OFFICE OF CITIZENS' AIDE/OMBUDSMAN

2008 Annual Report, pursuant to Iowa Code section 2C.18. Report received on August 12, 2009.

“Turning a Blind Eye: An Investigation Into Misconduct by the City of Stuart’s Street Superintendent, and How City Leaders Responded to It,” pursuant to Iowa Code section 2C.17. Report received on December 28, 2009.

## OFFICE OF DRUG CONTROL POLICY

2010 Iowa Drug Control Strategy, pursuant to Iowa Code chapter 80E.1. Report received on October 30, 2009.

## DEPARTMENT OF ECONOMIC DEVELOPMENT

2009 Third Quarter Report on the Activities of the Iowa Commission on Volunteer Service, pursuant to Iowa Code section 15H.2(2)(h). Report received on November 10, 2009.

## DEPARTMENT OF EDUCATION

2009 Condition of Education Report, pursuant to Iowa Code section 256.9(24). Report received on November 18, 2009.

2008–2009 Report on Charter Schools in Iowa, pursuant to Iowa Code section 256F.10. Report received on December 17, 2009.

2009–2010 Iowa Autism Council Recommendations, pursuant to Iowa Code section 256.35A(4). Report received on December 14, 2009.

Iowa Learning Technology Commission Final Report, pursuant to Iowa Code section 280A.3. Report received on January 4, 2010.

FY 2009 Report on Community Colleges, pursuant to Iowa Code section 260C.14. Report received on January 7, 2010.

2009 Disaster Waivers Report, pursuant to Iowa Code section 256.9. Report received on January 7, 2010.

## OFFICE OF ENERGY INDEPENDENCE

Annual Report for FY 2009, pursuant to Iowa Code section 469.3(j). Report received on November 19, 2009.

## IOWA FINANCE AUTHORITY

State Housing Trust Fund status report, pursuant to 2006 Iowa Acts, chapter 1185, section 49. Report received on October 2, 2009.

## IOWA HIGHER EDUCATION LOAN AUTHORITY

2009 Annual Report, pursuant to Iowa Code section 261A.21. Report received on December 23, 2009.

## DEPARTMENT OF PUBLIC DEFENSE

Iowa Homeland Security and Emergency Management Division's 2009 Annual Report on the Iowa Individual Assistance Grant Program, pursuant to Iowa Code section 29C.20A(4). Report received on January 5, 2010.

Community Disaster Grant Fund Report, pursuant to 2009 Iowa Acts, HF 64. Report received on January 11, 2010.

## DEPARTMENT OF HUMAN SERVICES

Proposal for Revising Iowa Code chapter 230A, Community Mental Health Centers, pursuant to 2008 Iowa Acts, SF 2425, section 61. Report received on July 15, 2009.

Iowa Medicaid Annual DUR Report, pursuant to Iowa Code section 249A.24(3). Report received on September 25, 2009.

Report on Child Support Recovery Unit's Collection of Annual Fees, pursuant to 2009 Iowa Acts, SF 319, section 18. Report received on December 3, 2009.

Report on Child Support Recovery Unit's Collection of Interest, pursuant to 2009 Iowa Acts, SF 319, section 19. Report received on December 3, 2009.

Mental Health Task Force Report and Recommendations, pursuant to 2009 Iowa Acts, HF 811, Section 22. Report received on December 14, 2009.

Proposal for State Mental Health Institute Closure and Consolidation, pursuant to 2009 Iowa Acts, HF 811, Section 22. Report received on December 14, 2009.

House File 2310 Legislative Report, pursuant to 2008 Iowa Acts, HF 2310. Report received on December 14, 2009.

Independent Living Services Annual Report, pursuant to 2009 Iowa Acts, HF 457, section 234.35(4). Report received on December 15, 2009.

House File 811 Legislative Report, pursuant to 2009 Iowa Acts, HF 811, section 17. Report received on December 15, 2009.

2009 Report on Lean Government, pursuant to 2009 Iowa Acts, HF 811, section 39. Report received on December 23, 2009.

Report on the Feasibility of Food Assistance Program Expanded Categorical Eligibility, pursuant to 2009 Iowa Acts, HF 811, section 6, subsection 6. Report received on December 29, 2009.

Healthy and Well Kids in Iowa (hawk-i) Annual Report, pursuant to Iowa Code section 514I.5(7)(g). Report received on January 4, 2010.



## DEPARTMENT OF JUSTICE

Prosecutor Intern Program 2009 Annual Report, pursuant to Iowa Code section 13.2(12). Report received on December 10, 2009.

## MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

FY 2009 Annual Report, pursuant to Iowa Code section 411.5(6)(a). Report received on December 10, 2009.

## DEPARTMENT OF NATURAL RESOURCES

2008 Iowa Drinking Water Program Annual Compliance Report, pursuant to the 1996 reauthorized Safe Drinking Water Act. Report received on July 20, 2009.

2009 Lake Restoration Program Annual Report and 2010 Plan, pursuant to 2008 Iowa Acts, HF 2782. Report received on December 31, 2009.

Comprehensive Recycling Planning Task Force Final Report, pursuant to 2009 Iowa Acts, HF 826. Report received on January 5, 2010.

Final Report of the Advisory Committee for Sustainable Natural Resource Funding, pursuant to 2008 Iowa Acts, HF 2580. Report received on January 8, 2010.

FY 2009 Household Hazardous Materials Program Report, pursuant to Iowa Code section 455D.19. Report received on January 8, 2010.

## IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

FY 2009 Sudan Divestment Program Implementation Report, pursuant to Iowa Code section 12F.5. Report received on September 29, 2009.

FY 2009 Comprehensive Annual Financial Report, pursuant to Iowa Code section 97B.4(4)(a). Report received on December 30, 2009.

## DEPARTMENT OF PUBLIC HEALTH

Iowa eHealth Project's Iowa Health Information Technology Plan, pursuant to Iowa Code section 135.156. Report received on July 17, 2009.

Prevention and Chronic Care Management Advisory Council Report, pursuant to Iowa Code section 135.161. Report received on July 21, 2009.

Health and Long Term Care Access Advisory Council Phase 1 Report, pursuant to Iowa Code section 135.163. Report received January 7, 2009.

Patient Autonomy State Advisory Council Report, pursuant to 2008 Iowa Acts, HF 2539. Report received on January 7, 2010.

## DEPARTMENT OF PUBLIC SAFETY

2009 Annual Report, pursuant to Iowa Code section 7E.3(4). Report received on November 12, 2009.

## BOARD OF REGENTS

FY 2009 Postsecondary Enrollment Program and Specific Expenditures Report, pursuant to 2009 Iowa Acts, SF 470, section 33(a) through (f). Report received on October 1, 2009.

Annual Report on Use of Proceeds from Sale of ISU Ankeny Experimental Farm, pursuant to Iowa Code section 266.39F. Report received on December 14, 2009.

Annual Report on Patents and Licenses, pursuant to Iowa Code section 262B.3. Report received on December 16, 2009.

Annual Report on Iowa Values Fund, pursuant to Iowa Code section 15G.111(2). Report received on December 16, 2009.

Annual Report on Progress of Regents Institutions on Technology Transfer, pursuant to 2009 Iowa Acts, Chapter 176. Report received on December 16, 2009.

2008 – 2009 Annual Report for College Bound and IMAGES programs, pursuant to Iowa Code sections 262.92, 261.101, and 262.93. Report received on December 29, 2009.

2009 Annual Report on Articulation Efforts, pursuant to 2009 Iowa Acts, HF 815. Report received on December 29, 2009.

University of Iowa Hospitals and Clinics Report for 2008 – 2009, pursuant to Iowa Code section 263A.13. Report received on January 4, 2010.

## DEPARTMENT OF REVENUE

FY 2009 Collection Enterprise Report, pursuant to Iowa Code section 421.17(27)(h) and (j). Report received on October 16, 2009.

SAVE Annual Report for FY 2009, pursuant to Iowa Code section 8.57(6)(h). Report received on November 24, 2009.

Dependent Health Care Coverage Report for Tax Year 2008, pursuant to 2008 Iowa Acts, HF 2539, section 4. Report received on December 24, 2009.

FY 2009 Tax Gap Compliance Project Revenue and Expenditure Report, pursuant to Iowa Code section 421.17(23). Report received on January 4, 2010.

## IOWA SCHOOLS JOINT INVESTMENT TRUST

2009 Annual Financial Report, pursuant to Iowa Code 12B.10A(7). Report received on November 16, 2009.

## IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

2009 Annual Report on Maintenance Contracts, pursuant to Iowa Code section 8D.3(3)(g). Report received on November 23, 2009.

Review of Network Operating Fund, pursuant to Iowa Code section 8D.14(2). Report received on November 23, 2009.

## DEPARTMENT OF TRANSPORTATION

Use of Reversions Report, pursuant to Iowa Code section 307.46(2). Report received on September 22, 2009.

Iowa Statewide Passenger Transportation Funding Study, pursuant to 2008 Iowa Acts, SF 2420. Report received on December 1, 2009.

## TREASURER OF STATE

FY 2009 Iowa State Operating Fund Annual Report, pursuant to Iowa Code section 12F.5. Report received on November 3, 2009.

FY 2009 Iowa Judicial Retirement System Annual Report, pursuant to Iowa Code section 12F.5. Report received on November 3, 2009.

FY 2009 Iowa Peace Officers' Retirement, Accident and Disability System Annual Report, pursuant to Iowa Code section 12F.5. Report received on November 3, 2009.

Annual Financial Report from Tobacco Settlement Authority, pursuant to Iowa Code section 12E.15. Report received on January 4, 2010.

## IOWA UTILITIES BOARD

2009 Annual Report on Small Wind Innovation Zones, pursuant to 2009 Iowa Acts, HF 810, subsection 6. Report received on December 29, 2009.

Renewable Energy Tax Credit Eligibility Study, pursuant to 2009 Iowa Acts, SF 456, section 8. Report received on December 29, 2009.

Report on Energy Efficiency in Iowa's Electric and Natural Gas Sectors, pursuant to 2008 Iowa Acts, SF 2386. Report received on December 29, 2009.

## DEPARTMENT OF VETERANS AFFAIRS

FY 2009 County Grant Program for Veterans Status Report, pursuant to 2008 Iowa Acts, chapter 1187, section 4(3). Report received on October 1, 2009.

2009 Iowa Veterans Trust Fund Annual Report, pursuant to Iowa Code section 35A.13(9). Report received on January 8, 2010.

## WATER RESOURCES COORDINATING COUNCIL

Floodplain Management Recommendations, pursuant to 2009 Iowa Acts, HF 756, section 11. Report received on November 13, 2009.

## AGENCY ICN REPORTS

Iowa Communications Network (ICN) usage reports for FY 2009, pursuant to Iowa Code section 8D.10, were received from the following agencies:

OFFICE OF THE ATTORNEY GENERAL – Report received on December 11, 2009.

OFFICE OF AUDITOR OF STATE – Report received on November 17, 2009.

IOWA CIVIL RIGHTS COMMISSION – Report received on August 21, 2009.

DEPARTMENT OF ECONOMIC DEVELOPMENT – Report received on November 3, 2009.

DEPARTMENT OF EDUCATION – Report received on January 6, 2010.

DEPARTMENT OF HUMAN RIGHTS – Report received on August 25, 2009.

DEPARTMENT OF HUMAN SERVICES – Report received on October 7, 2009.

IOWA LAW ENFORCEMENT ACADEMY – Report received on September 4, 2009.

STATE LIBRARY OF IOWA – Report received on December 3, 2009.

IOWA BOARD OF PAROLE – Report received on November 30, 2009.

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM – Report received on October 1, 2009.

DEPARTMENT OF PUBLIC SAFETY – Report received on December 12, 2009.

DEPARTMENT OF TRANSPORTATION – Report received on December 2, 2009.

DEPARTMENT OF VETERANS AFFAIRS – Report received on September 15, 2009.

IOWA VETERANS HOME – Report received on December 2, 2009.

## PRESENTATION OF VISITORS

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

Representatives from the Greater Des Moines Tea Party Movement. Senator Zaun.

## CERTIFICATE OF RECOGNITION

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

Tyler Jacobsma, Sioux Center—For his selection to the U.S. Naval Academy for 2010/2011. Senator Feenstra (1/11/10).

## REPORTS OF COMMITTEE MEETINGS

### ECONOMIC GROWTH

**Convened:** Monday, January 11, 2010, 3:35 p.m.

**Members Present:** Stewart, Chair; Olive, Vice Chair; Beall, Dandekar, Dotzler, Hamerlinck, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, and Wilhelm.

**Members Absent:** Houser, Ranking Member; and Hatch (both excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 3:40 p.m.

### EDUCATION

**Convened:** Monday, January 11, 2010, 2:05 p.m.

**Members Present:** Schmitz, Chair; Schoenjahn, Vice Chair; Boettger, Ranking Member; Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, Quirnbach, Soddors, and Wilhelm.

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

**Committee Business:** Organizational meeting.

**Adjourned:** 2:30 p.m.

### LOCAL GOVERNMENT

**Convened:** Monday, January 11, 2010, 2:30 p.m.

**Members Present:** Quirmbach, Chair; Beall, Vice Chair; Reynolds, Ranking Member; Hamerlinck, Kapucian, Kreiman, Olive, Rielly, and Schoenjahn.

**Members Absent:** Houser and McCoy (both excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 2:45 p.m.

## **RULES AND ADMINISTRATION**

**Convened:** Monday, January 11, 2010, 10:40 a.m.

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

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

**Committee Business:** Organizational meeting.

**Adjourned:** 10:45 a.m.

## **TRANSPORTATION**

**Convened:** Monday, January 11, 2010, 4:00 p.m.

**Members Present:** Rielly, Chair; Beall, Vice Chair; Noble, Ranking Member; Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, Reynolds, Warnstadt, and Zaun.

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

**Committee Business:** Organizational meeting.

**Adjourned:** 4:10 p.m.

## **INTRODUCTION OF RESOLUTION**

**Senate Resolution 101**, by Kibbie, to recognize Iowa's school bus drivers as indispensable members of the education community and to recognize Thursday, April 29, 2010, as School Bus Driver Day.

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

## INTRODUCTION OF BILLS

**Senate File 2001**, by Johnson, relating to informed consent to an abortion and providing a criminal penalty, and providing effective dates.

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

**Senate File 2002**, by Heckroth, establishing a veterans recognition award program.

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

**Senate File 2003**, by McCoy, requiring the department of administrative services to issue a request for proposals regarding office space.

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

**Senate File 2004**, by Johnson, relating to an appropriation from the rebuild Iowa infrastructure fund to the department of natural resources for the restoration and renovation of a historical shelter

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

**Senate File 2005**, by Johnson, relating to awards of noneconomic damages against health care providers.

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

**Senate File 2006**, by Johnson, relating to reduction or termination of visitation based upon repeated willful failure to pay support.

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

**Senate File 2007**, by Warnstadt, modifying the timeline of the property assessment protest process and including applicability provisions.

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

**Senate File 2008**, by Warnstadt, relating to campaign finance disclosure report due dates and providing a penalty.

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

**Senate File 2009**, by Kibbie, relating to fee schedules established for the provision of certain dental services.

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

**Senate File 2010**, by Schoenjahn, relating to the uses of physical plant and equipment levy funds by school districts.

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

**Senate File 2011**, by Schoenjahn, requiring certain employers to provide written information to employees about certain employment policies without written requests from employees.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.



**Senate File 2012**, by Schoenjahn, extending the voluntary shared unemployment compensation work program for additional weeks.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

**Senate File 2013**, by Bolkcom, concerning the wagering tax rate on gambling games.

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

**Senate File 2014**, by Johnson, providing for the operation of all-terrain vehicles during daylight hours within cities of a certain size and on secondary roads within a limited distance of the owner's residence, and making penalties applicable.

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

**Senate File 2015**, by Schoenjahn, relating to motor vehicle window transparency requirements, providing for a motor vehicle decal for persons who qualify for an exemption, providing a fee, and making a penalty applicable.

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

**Senate File 2016**, by Soddors, establishing an annual registration fee for certain motor trucks equipped to assist a person with a disability or owned or used by a person who uses a wheelchair.

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

**Senate File 2017**, by Soddors, providing an exemption from the state individual income tax for federal retirement pay received for military service and including a retroactive applicability date provision.

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

**Senate File 2018**, by Schoenjahn, relating to city general obligation bonds by designating certain projects relating to multipurpose facilities as an essential corporate purpose and by modifying the definition of general corporate purpose.

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

**Senate File 2019**, by Beall, relating to eligible lenders for the home ownership assistance program for military members.

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

**Senate File 2020**, by Beall and Feenstra, relating to choice of automobile repair facilities under automobile liability insurance policies.

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

**Senate File 2021**, by Noble, relating to protections for persons with mental illness in a dissolution of marriage action.

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

## STUDY BILLS RECEIVED

**SSB 3001      Transportation**

Relating to annual motor vehicle registration fees for older-model multipurpose vehicles and certain vehicles equipped for a person with a disability or used by a person who relies on a wheelchair.

**SSB 3002      State Government**

Providing for a retirement incentive program for state employees and including effective date provisions.

**SSB 3003      State Government**

Concerning the administration of the Iowa public employees' retirement system.

**SSB 3004      State Government**

Relating to the provision of services through Iowa communications network connection facilities under specified circumstances.

**SSB 3005      State Government**

Requiring certain campaign finance statements and reports to be filed in an electronic format.

**SSB 3006      State Government**

Relating to ethics regulations for the executive branch, legislative branch, and local officials and employees.

**SSB 3007      State Government**

Concerning bona fide retirement requirements under the Iowa public employees' retirement system and including effective date and retroactive applicability provisions.

**SSB 3008      Judiciary**

Concerning penalties for failure to obey an official traffic control device when the violation results in death or serious injury.

**SSB 3009      Judiciary**

Relating to preservation of claims to mineral rights in or on land.

**SSB 3010      Judiciary**

Modifying the authority to enter certain dispositional orders in juvenile court.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 222**

REBUILD IOWA: Heckroth, Chair; Reynolds and Stewart

**Senate File 2003**

STATE GOVERNMENT: Dearden, Chair; Hartsuch and Hatch

**Senate File 2005**

JUDICIARY: Kreiman, Chair; Warnstadt and Zaun

**Senate File 2006**

JUDICIARY: Kreiman, Chair; Boettger and Warnstadt

**Senate File 2008**

STATE GOVERNMENT: Soddors, Chair; Behn and Horn

**Senate File 2013**

STATE GOVERNMENT: Courtney, Chair; Seymour and Soddors

**SSB 3001**

TRANSPORTATION: Heckroth, Chair; Hancock and Noble

**SSB 3002**

STATE GOVERNMENT: Appel, Chair; Dearden and Behn

**SSB 3003**

STATE GOVERNMENT: Kibbie, Chair; Sodders and Feenstra

**SSB 3004**

STATE GOVERNMENT: Jochum, Chair; Horn and Wieck

**SSB 3005**

STATE GOVERNMENT: Dearden, Chair; Horn and Seymour

**SSB 3006**

STATE GOVERNMENT: Horn, Chair; Courtney and Seymour

**SSB 3007**

STATE GOVERNMENT: Kibbie, Chair; Sodders and Feenstra

**SSB 3008**

JUDICIARY: Kreiman, Chair; Sodders and Ward

**SSB 3009**

JUDICIARY: Schoenjahn, Chair; Quirnbach and Kettering

**SSB 3010**

JUDICIARY: Kreiman, Chair; Hancock and Zaun

**REPORT OF THE COMMITTEE ON  
RULES AND ADMINISTRATION**

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 2, the committee on Rules and Administration submits the following increases, reclassifications, and effective dates of Senate employees:

Conf. Sec. II to Secretary to Admin. Services Officer III	K'Ann Brandt	Effective 2/09
Indexer II/Records & Supply	Kathleen Curoe	Resigned 12/09
Journal Editor I to Admin. Services Officer	Angela Cox	Effective 2/09
Journal Editor I to Admin. Services Officer	Maureen Taylor	Effective 2/09
Assist. Finance Officer to Admin. Services Officer	Betty Shea	Effective 2/09

Assist. Journal Editor to Admin. Services Assist.	Jennifer Beminio	Effective 2/09
Assist. Journal Editor to Admin. Services Assist.	Jesse Hughes	Effective 2/09

MICHAEL E. GRONSTAL, Chair

### REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

MR. PRESIDENT: Pursuant to Senate Concurrent Resolution 2, the committee on Rules and Administration submits the following names of officers and employees of the Senate for the 83rd General Assembly, 2010 Session, and their respective classifications, grades, and steps:

Admin. Services Assistant	Lara Margelofsky	P/FT	Grade 20, Step 2
Legislative Secretary	Suzanne Behnke	S/O	Grade 15, Step 1
Legislative Secretary	Candace Boucher	S/O	Grade 17, Step 4+2
Legislative Secretary	Susan Bruckshaw	S/O	Grade 16, Step 7
Legislative Secretary	Emily Lofgren	S/O	Grade 18, Step 1
Legislative Secretary	Shelly McCullough	S/O	Grade 15, Step 1
Legislative Secretary	Katherine Tenner	S/O	Grade 16, Step 1
Legis. Comm. Secretary	Ryan Bratvold	S/O	Grade 17, Step 1
Legis. Comm. Secretary	Rachael Creswell	S/O	Grade 18, Step 1
Legis. Comm. Secretary	Susan Elgin	S/O	Grade 18, Step 1
Legis. Comm. Secretary	Erin Kreiman	S/O	Grade 18, Step 2
Legis. Comm. Secretary	Matthew Peirce	S/O	Grade 18, Step 1
Legis. Comm. Secretary	Sara Sedlacek	S/O	Grade 18, Step 1
Legis. Comm. Secretary	Mary Shields	S/O	Grade 18, Step 1
Legis. Comm. Secretary	Kelli Todd	S/O	Grade 18, Step 1
Legis. Comm. Secretary	Joanne Walton	S/O	Grade 18, Step 1
Legis. Comm. Secretary	Jacob Wilson	S/O	Grade 18, Step 1
Legis. Comm. Secretary	Christian Zenti	S/O	Grade 18, Step 1

MICHAEL E. GRONSTAL, Chair

# JOURNAL OF THE SENATE

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SECOND CALENDAR DAY  
SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, January 12, 2010

The Senate met in regular session at 8:49 a.m., President Kibbie presiding.

Prayer was offered by Reverend Dennis St. Lawrence, pastor of the Grace Baptist Church in Chariton, Iowa. He was the guest of Senator McKinley.

The Journal of Monday, January 11, 2010, was approved.

## 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 January 11, 2010, **adopted** the following resolutions in which the concurrence of the Senate is asked:

**House Concurrent Resolution 101**, a concurrent resolution providing for a joint convention of the two houses of the 2010 session of the Eighty-third General Assembly be held on Tuesday, January 12, 2010, at 10:00 a.m. and that Governor Chester J. Culver be invited to deliver his condition of the state message at this joint convention.

Read first time and **placed on calendar**.

**House Concurrent Resolution 102**, a concurrent resolution providing for a joint convention of the two houses of the 2010 session of the Eighty-third General Assembly be held on Wednesday, January 13, 2010, at 10:00 a.m. and that Chief Justice Ternus be invited to

present her message of the condition of the judicial branch at this joint convention.

Read first time and **placed on calendar**.

### CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Concurrent Resolutions 101 and 102.

#### **House Concurrent Resolution 101**

On motion of Senator Gronstal, **House Concurrent Resolution 101**, a concurrent resolution providing for a joint convention of the two houses of the 2010 session of the Eighty-third General Assembly be held on Tuesday, January 12, 2010, at 10:00 a.m. and that Governor Chester J. Culver be invited to deliver his condition of the state message at this joint convention, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 101, which motion prevailed by a voice vote.

#### **House Concurrent Resolution 102**

On motion of Senator Gronstal, **House Concurrent Resolution 102**, a concurrent resolution providing for a joint convention of the two houses of the 2010 session of the Eighty-third General Assembly be held on Wednesday, January 13, 2010, at 10:00 a.m. and that Chief Justice Ternus be invited to present her message of the condition of the judicial branch at this joint convention, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 102, which motion prevailed by a voice vote.



### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Concurrent Resolutions 101 and 102** be **immediately messaged** to the House.

The Senate stood at ease at 8:54 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 101, 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

The joint convention convened at 9:47 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.

President Kibbie declared a quorum present and the joint convention duly organized.

Senator Gronstal moved that a committee of six, three members from the Senate and three members from the House, be appointed to notify Governor Chester J. Culver that the joint convention was ready to receive him.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Stewart, Dandekar, and Noble on the part of

the Senate, and Representatives Kuhn, Berry, and Sorenson on the part of the House.

The joint convention stood at ease at 9:49 a.m. until the fall of the gavel.

The joint convention resumed session at 9:55 a.m., President Kibbie presiding.

Secretary of State Michael Mauro, Secretary of Agriculture Bill Northey, Auditor of State David A. Vaudt, and Attorney General Tom Miller were escorted into the House chamber.

The joint convention stood at ease at 9:57 a.m. until the fall of the gavel.

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

Chief Justice Ternus and the Justices of the Supreme Court and Chief Judge Sackett and the Judges of the Court of Appeals were escorted into the House chamber.

Lieutenant Governor Patty Judge was escorted into the House chamber.

Mari Culver, the Governor's wife, and their children, Clare and John, were escorted into the House chamber.

Adjutant General Tim Orr, his wife, and the Governor's guests were escorted into the House chamber.

The committee waited upon Governor Chester J. Culver and escorted him to the Speaker's station.

President Kibbie presented Governor Chester J. Culver, who delivered the following Condition of the State Address:

A special welcome to Chief Justice Ternus, Members of The Court, fellow statewide elected officials, especially my capable and talented partner, Lt. Governor Judge.

Speaker Murphy, Leader McCarthy; President Kibbie, Leader Gronstal; Leaders Paulsen and McKinley, and Members of the General Assembly – thank you for this opportunity to address you this morning. It is my privilege to be here.

I'm happy to be with you this morning for this extraordinary 80-day session. There's much to do, and no time to waste.

We face some real challenges. Ones we did not create, but ones we will overcome.

On the one hand, we continue to recover from the natural disasters which are historic in their scope – the fourth worst natural disaster in our history.

Additionally, the ongoing national recession continues to affect every Iowa family, every Iowa business, and every aspect of our state government.

But, as Iowans, we continue to address these challenges head-on, with resilience, optimism, determination and good old-fashioned hard work.

We're also a people of great faith. A faith that teaches us, with God's help, all things are possible. With perseverance, there's nothing we can't endure, and that there's no challenge we can't overcome.

These are Iowa values we can all embrace, regardless of what part of the state we come from, our political views or our station in life.

You see, despite the obstacles that sometimes get in the way, Iowans continue to look forward, not backward. They believe, as I do, that the 21<sup>st</sup> Century will be "Iowa's Century."

For these reasons, I'm happy to report the Condition of the State is resilient, because the people of Iowa are resilient.

We have never stopped in our work for the people we have the honor to represent. For example, to address both of our statewide challenges, the double challenges related to the economy and natural disasters. You passed, and I signed, I-JOBS, our statewide infrastructure and job creation initiative.

A "yes" vote on I-JOBS was a "yes" vote for flood victims. A "yes" vote on "I-JOBS was a vote to rebuild our economy. A "yes" on I-JOBS was a vote for businesses and communities as they struggle across the state to get back on their feet.

So, I want to be very clear: I'm proud of the fact we've made the difficult decisions necessary to put our state on the road to recovery.

I'm proud of the fact that on my watch we've earned the highest possible bond rating for good fiscal management. I'm proud of the fact that we've balanced the budget three years in a row, without raising taxes on hardworking Iowans.

And speaking of the budget, some politicians and armchair quarterbacks appear to be confused about our current budget situation.

Well, let's end the confusion. Here are the facts. Today, the budget is balanced. And it has been balanced every single day that I've had the privilege to be Governor of this state. Additionally, because of our cost savings initiatives, the budget this morning is smaller than it was on the day I took office.

And this didn't happen, as you know, by accident. It happened because we made tough choices. We managed the budget responsibly and effectively.

Here are the ten steps that I've taken to successfully manage our state through the economic downturn.

First, starting in 2008, I cut spending 3 percent, froze state hiring, cut employee travel and reduced the state's health insurance costs by 20 million dollars.

In 2009, I instituted a Lean Government initiative, further cut spending by 10 percent. This saved a half a billion dollars.

In addition, I cut my own pay 10 percent, ordered state Department heads to do the same, and mandated that 3,500 non-contract employees in the executive branch take furlough days.

In addition, to further cut costs, I signed Executive Order Number 20 to improve efficiency, eliminate redundancies and identify wasteful spending. This order will save up to 140 million dollars next year, and nearly a half billion dollars over the next five years.

Then, we took a huge step. We successfully negotiated a cost and job-savings agreement with two of our state's largest unions: the State Police Officers and AFSCME. Fortunately, their members agreed to share in the sacrifice for the greater good. So, I want to salute Danny Homan of AFSCME and Mark Bowlin of SPOC, and their members, for these historic measures.

This demonstrates: when Iowans come to the table in good faith, we can meet our challenges.

Finally, we've done all of these things to balance the budget, while protecting our priorities. In renewable energy, workforce development, early childhood education, health care for our kids, and public safety.

But there is another priority we must always find time, and the money, to fund.

As you know, in the coming months thirty-five hundred men and women of the Iowa National Guard will be deployed to Afghanistan.

As the Commander in Chief of the Guard, it's my duty – both morally, and legally, to make sure these fighting Iowans are prepared for service. The 3,500 troops represent the largest single overseas deployment since World War II. So, we must give them every tool they need to complete their mission, and come home safely.

These brave men and women have earned our support. That's why I'm asking you to pass a supplemental appropriations bill early this session to restore some of the cuts to the Department of Public Defense.

No family better understands the importance of preparation and training than the Mills family of Altoona. Captain Tim Mills is now deployed in Iraq, and his wife Mary is with us today.

She's joined by Adjutant General Tim Orr, the leader of the Iowa Guard. So, please join me in thanking both of them and their families for their sacrifice and service.

Now, I want to talk about next year's budget.

The budget I will submit at the end of the month will be balanced. And it will reflect our values as Iowans. Here are my top legislative and budget priorities for the 2010 session.

Number one: my top priority is jobs.

Job creation and job retention are incredibly important. So, I'm asking you to fully fund community college job training, and to adequately fund the Department of Workforce Development during these challenging times. And, to create more 'green collar jobs' of the future, to fully fund the Iowa Power Fund.

In addition, to help create more jobs, invest further in our infrastructure, stimulate our economy, and continue our flood recovery efforts, I look forward to working with you to best allocate the remaining 100 million dollars of our I-JOBS initiative in FY '11.

Number two: I'm asking you to enact the remaining recommendations contained in my Government Efficiency Report. This will require legislative approval, and, it will allow us to save more than 200 million dollars next year, and a nearly billion dollars over the next five years.

These are common-sense ideas, which will allow us to streamline state government operations, offer early retirement or a 4-day workweek to some state employees, implement enterprise wide strategic purchasing, reduce the size of our vehicle fleet, and eliminate redundant and unnecessary information technology services.

Number three: Finding efficiencies in state government is only the first step. A major reorganization of state government needs to be the next. So, I believe it's time to

rethink the way state government does business. Let me be clear. We're talking about real reform for the 21<sup>st</sup> Century. Not just short-term cost savings. This will also move us closer to the kind of smarter, more efficient government that is our goal, and that taxpayers deserve. So, I look forward to getting this done this session.

Fourth: Last session, you passed and I signed recovery assistance that offered both immediate and long term help for Iowans affected by the floods. This included funding for the Rebuild Iowa Office, which, thanks to Lieutenant General Ron Dardis' leadership, was recently recognized as being a national model for effective flood recovery. So, I am asking you to fully fund, once again, the Rebuild Iowa Office next year.

Here's why: the office has helped us successfully secure over 3.6 billion dollars in state and federal money to help Iowans rebuild from the devastation of the storms and tornados. And, our efforts are working. For example, 3000 Iowans who lost their homes, are now guaranteed the funds necessary to buy a new one.

Finally, I hope we can work together to commit a significant portion of the remaining I-JOBS funding specifically for flood recovery projects statewide.

Fifth, I respectfully ask you to explore every option available, including transferring money from the road fund to ensure we adequately fund the Iowa State Patrol and the Department of Public Safety. We've done it before, and I believe we can do it again.

Six, as you know, in an effort to save taxpayer money, and increase transparency, we have recently completed a thorough review of all tax credits in Iowa. Last week, the Tax Credit Review Panel issued their report. I ask you to act on their recommendations, and do all you can to make these credits work exactly as intended.

Number seven: let's talk about honoring our most important responsibility as Iowans. That is, our duty as parents, and as shepherds of our children's future.

And speaking of children, my two wonderful kids, John and Clare, are here with us this morning, along with the First Lady, and I would ask that you welcome them to the Chamber.

You know, I'm proud of the fact that, working together, we've made a long-term investment in the health and education of all children. Just think: in the last three years, because of it, we have extended health insurance coverage to 52,000 kids. This investment now makes Iowa number one in the nation when it comes to insuring children. Together, we must continue this investment.

Additionally, we must also continue to expand access to early childhood education. To date, we have helped more than 12,000 kids in 175 school districts get a quality preschool education. So, my budget request will include the last installment of our four-year, 60 million dollar commitment to preschool.

Number eight: in order to ensure all Iowa children can compete in this new global economy, today I ask you to quickly pass legislation required to allow Iowa to compete for federal Race To The Top funds.

Iowa stands to receive up to 175 million dollars. This will allow us be more innovative in the classroom, build the education infrastructure our students need, turn around underperforming schools and allow more parental choice. Let's make sure Iowa doesn't miss out on this great opportunity for our students. Let's make sure Iowa remains on the cutting edge in education reform.

Nine: I am asking you to pass legislation that requires school districts to spend down a portion of their cash reserves instead of shifting the burden to local property taxpayers.

Number ten: as Governor, and as a former teacher, my commitment to education transcends even our most difficult budget challenges. So, in my budget, I will fully fund

two percent allowable growth for our public schools – that’s right: we’re not only going to set it, we’re going to fund it this session.

And, on top of that, I will be asking you to dedicate at least 100 million dollars from the reserves to restore some of the recent cuts. This will be a real short-term shot in the arm for some of our schools, especially in rural districts, which are already cash-strapped, with depleted reserves.

Additionally, I want us to do all we can to support our community colleges, private colleges and Regents’ Institutions. We have some of the best in the country, and they’ve also earned our support. And speaking of best in the country, wasn’t it great for Iowa and Iowa State to win those bowl games this year? These are some very talented student-athletes, and I congratulate the coaches, the players, their fans for all their work – it was a great year for our state.

I also want to welcome President Greg Geoffroy from Iowa State, David Miles and Bonnie Campbell from the Board of Regents, and thank them for their service to our state.

So, as you can see we have a lot of ground to cover in a short period of time this session. But as I’ve said, nothing we do here is more important than doing our part to help create and retain good paying, private sector jobs.

And speaking of jobs, now, I want to recognize and thank those of you who had the courage and foresight to stand up and join me in passing our Iowa jobs and infrastructure initiative last session.

Let’s remember what the I-JOBS bill included, and why Iowans support it.

The I-JOBS bill is fair and equitable – every county in the state receives funds which local leaders can dedicate to high priority infrastructure projects of their own choice.

And the process of getting the funds to each of our 99 counties is transparent, and merit-based. The bipartisan board is comprised of Iowans who have volunteered their time and expertise with one goal in mind – to award I-JOBS funds according to the letter and spirit of the law. Because in Iowa, we don’t use public funds to build bridges to nowhere.

We also have a little bit of history here. Past administrations – including most recently, Governors Branstad and Vilsack – have used Constitutional authority to bond for capital investments. But I-JOBS is an investment in Iowa’s future, which is unprecedented in its scope.

And I-JOBS bonds will be paid back at a historically low interest rate – through gaming revenue – and not by raising taxes.

And, not one penny of I-JOBS funds will be used for state operating costs. In other words, we’re not bonding to pay our bills.

In the short term, I-JOBS is creating jobs. But in the long term, it will strengthen our economy, and allow us to speed up our flood recovery efforts.

We have made a major investment through I-JOBS, to modernize our entire state infrastructure, improve our rail, road and bridge systems, rebuild from the worst floods in Iowa history, improve water quality and protect our state and our communities from future disasters.

Additionally, it will allow us to invest in our renewable energy and telecommunications network across the state.

Through I-JOBS, we’ve kept our promise to the men and women who served in the military, by expanding and renovating the Iowa Veterans’ Home in Marshalltown. When the renovation is complete, we will have the nicest, most advanced veterans’ home in America, and our veterans deserve it.

And here are some more examples of what I-JOBS means for Iowans. In Linn and Louisa Counties – some of our hardest hit areas – there are currently 54 I-JOBS projects underway, for a total investment of nearly 95 million dollars.

In Butler County, where Parkersburg is located, and where the F-5 tornado devastated that community, there are 14 I-JOBS projects, at close to 3 million dollars.

The list is long. As I've said, every single county will benefit from I-JOBS.

We have now approved more than 1,400 projects, invested more than 530 million dollars statewide.

These things matter. Just ask the people impacted by the floods. Ask the people of Charles City and Elkader, who will have new fire stations as a result, to replace the two that were destroyed by the floods. Or, the people of Fort Dodge and Perry, whose community colleges will be renovated.

Finally, the 100 million dollars we set aside for flood recovery allowed the University to leverage three quarters of a billion dollars in federal funds, to rebuild Hancher Auditorium and eleven other buildings on campus.

So, we're literally rebuilding our state, and our economy at the same time. And, this focus on building for the long haul is now paying big dividends.

We now have the 8th fastest growing economy in the United States. We were recently recognized as being the 4th best place in America to do business - up from number nine last year. And Iowa is now number one in terms of low cost of doing business of any of the fifty states.

There's more. Two weeks ago, according to MarketWatch, Des Moines was named the number one city in America to do business.

These aren't just statistics – they are tools which will help us continue to attract good-paying jobs to Iowa, and encourage existing companies to expand.

As an example, I am proud of the fact that we have been able to bring to Iowa nearly 3,500 new good-paying jobs at companies like Google in Council Bluffs, Aviva in West Des Moines and IBM in Dubuque.

These exciting projects are just the tip of the iceberg: Since 2007, private industry has brought more than 7 billion dollars in new capital investment to Iowa.

Our business climate – even during this difficult recession – continues to outperform our neighbors, putting us on a clear path to recovery.

So, in an effort to make sure we continue to do all we can to keep Iowa moving forward, and to prepare our state for a bright economic future, I will be joining the Lt. Governor to embark on an Iowa jobs tour, to help build a better economic future.

And speaking of the future, let's talk about building the green-collar economy of tomorrow.

Today, there are more than 8,000 new, green jobs in Iowa. And, through the Power Fund, we've now invested in 26 exciting research and development projects, in places like Ames and Shenandoah. These second and third generation renewable energy projects will help us secure our energy future. They've also attracted more than 200 million dollars in private capital because of the interest in so many of these breakthrough technologies.

So, the Power Fund is allowing us to fast become the silicon prairie of the Midwest and the renewable energy capital of the United States. We are now generating 15 percent of all of our power from renewable sources. And, in just a few short years, Iowa will become one of the only states to be a net exporter of energy.

In closing, I believe we should never lose sight of the fact that everything we do here is about real people. Those people are counting on us every day to help, especially now.

As I've said, the people of our state are resilient. Let me give you two very powerful examples of Iowans overcoming adversity.

Charlene Shurtz is one of too many people in Cedar Rapids who lost everything in the floods. She had six feet of water in her home, and it was a total loss. But now, I'm happy to report that she is one of 3,000 Iowans eligible for a home buyout, which means soon, Charlene will be in her new home, where she belongs.

And Cyndi Ecker. Cyndi is a small business owner from Waverly. Her life changed forever in June of 2008 when the floods destroyed her floral business. I'm happy to report, she's back in business. She is one of more than a thousand small business owners who benefitted from our successful Jumpstart Iowa business program.

Charlene and Cyndi are with us today. Will you please join me in recognizing them, in the chamber?

What have we learned from these resilient Iowans? We've learned that the spirit of Iowans is unbroken, regardless of the adversity we may face.

So, as we enter a new decade, approach a new session and craft a new budget, we face fundamental choices, in spite of some real challenges which remain.

Will we move this state forward by reforming and reorganizing government?

Will we continue to be a leader in renewable energy, and green collar job creation, and stay on the path to recovery?

Will we continue to make investments in our kids, by expanding access to health insurance, and adequately fund education at all levels?

Will we fight for the men and women who wear the uniform of the United States military?

Finally, will we finish our work and overcome the devastation from the floods and tornadoes, and rebuild a stronger, greener, more sustainable state?

Well, I believe history tells us time and time again that the Iowa way, and the American way, is that when we are faced with great adversity and challenges, we meet them with bold, decisive action.

So, this is no time for fear, or partisanship and inaction. Instead, let's finish what we started, unafraid of tomorrow and inspired by its possibility. I will do my part, and I look forward to working with the House and Senate leadership, and all of the members. Good luck in the days ahead, as we embrace the future, making this "Iowa's Century" – with an unwavering faith that our best days are ahead of us.

Thank you and God bless.

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.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:45 a.m. until 8:45 a.m., Wednesday, January 13, 2010.



## APPENDIX

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### IOWA UTILITIES BOARD

FY 2009 Customer Contribution Fund Annual Report, pursuant to Iowa Code section 476.66(6). Report received on January 11, 2010.

### CERTIFICATE OF RECOGNITION

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

James Devore, Wapello—For celebrating his 90<sup>th</sup> birthday. Senator Courtney (1/11/10).

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** Tuesday, January 12, 2010, 2:35 p.m.

**Members Present:** Fraise, Chair; Olive, Vice Chair; Johnson, Ranking Member; Appel, Behn, Boettger, Courtney, Hahn, Hancock, Kapucian, Kibbie, Rielly, and Seng.

**Members Absent:** Black and Soddors (both excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 2:45 p.m.

#### COMMERCE

**Convened:** Tuesday, January 12, 2010, 2:00 p.m.

**Members Present:** Warnstadt, Chair; Heckroth, Vice Chair; Wieck, Ranking Member; Behn, Bolkcom, Dandekar, Hartsuch, McCoy, Rielly, and Stewart.

**Members Absent:** Courtney, Kettering, Olive, Schmitz, and Ward (all excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 2:05 p.m.

**LABOR AND BUSINESS RELATIONS**

**Convened:** Monday, January 11, 2010, 2:05 p.m.

**Members Present:** Courtney, Chair; Jochum, Vice Chair; Dearden, Dotzler, Hatch, Horn, and Wieck.

**Members Absent:** Ward, Ranking Member; Gronstal, Houser, and Zaun (all excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 2:10 p.m.

**INTRODUCTION OF RESOLUTION**

**Senate Resolution 102**, by Bolkcom, a resolution urging Congress to require nutritional quality and options for school meals.

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

**INTRODUCTION OF BILLS**

**Senate File 2022**, by Johnson, a bill for an act relating to the training and licensure requirements for certain persons working on the installation and repair of plumbing, HVAC, refrigeration, or hydronic systems, and providing for a fee.

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

**Senate File 2023**, by Warnstadt, a bill for an act relating to prohibited activities of certain public employees and officials in connection with urban renewal projects.

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

**Senate File 2024**, by Warnstadt, a bill for an act relating to prohibited contracts and activities for civil service commissioners.

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

**Senate File 2025**, by Johnson, a bill for an act relating to protocol for medically induced abortions, and providing penalties.

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

**Senate File 2026**, by Hogg, a bill for an act relating to modification of a child support order for parents engaged in active military service, and providing a standing appropriation.

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

**Senate File 2027**, by Warnstadt, a bill for an act relating to the authority of a certified law enforcement officer.

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

**Senate File 2028**, by Jochum, a bill for an act relating to boards of administration for horizontal property.

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

**Senate File 2029**, by Olive, a bill for an act relating to property assessment and property taxation by creating a recreational class of property.

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

**Senate File 2030**, by Hogg, a bill for an act requiring disclosure to public utility customers of the percentage of electricity furnished to the customer derived from alternative and renewable energy sources.

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

**Senate File 2031**, by Bolkom, a bill for an act relating to an exemption for a debtor's personal property from execution by creditors in a bankruptcy action.

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

**Senate File 2032**, by Bolkom, a bill for an act prohibiting text messaging while driving and providing a penalty.

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

**Senate File 2033**, by committee on Education, a bill for an act relating to school improvement and the approval and revocation of charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools.

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

#### STUDY BILLS RECEIVED

**SSB 3011      Veterans Affairs**

Providing appropriations to the department of veterans affairs.

**SSB 3012      Veterans Affairs**

Relating to the military service property tax exemption and credit by increasing the exemption amount, and including applicability provisions.

**SSB 3013      Veterans Affairs**

Creating a veterans combat bonus for active duty military service during certain military conflicts, making an appropriation, and providing a penalty and tax exemption.

**SSB 3014      Veterans Affairs**

Relating to an exemption for specified veterans organizations from the Smokefree Air Act.

**SSB 3015      Veterans Affairs**

Exempting from the individual income tax all pay received from the federal government for military service performed while on active duty and including retroactive applicability provisions.

**SSB 3016      Veterans Affairs**

Relating to the encouragement and assistance of businesses owned by disabled veterans.

**SSB 3017      Commerce**

Relating to the practice of accounting and to the organization and operation of the licensing boards included within the professional licensure and regulation bureau of the banking division in the department of commerce.

**SSB 3018      Commerce**

Relating to the consumer credit code by increasing dollar amount limitations for transactions governed by the consumer credit code, establishing an exemption from the definition of a consumer loan for specified debts secured by real property, and modifying filing fees and a penalty for creditors and debt collectors.

**SSB 3019      Commerce**

Relating to the use of loss experience by medical malpractice insurers when setting rates.

**SSB 3020      Commerce**

Requiring reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances and providing an applicability date.

**SSB 3021      Judiciary**

Relating to Iowa's uniform disclaimer of property interest Act.

**SSB 3022      Judiciary**

Relating to the sealing of juvenile delinquency records.

**SSB 3023      Judiciary**

Requiring carbon monoxide detectors in certain dwellings and multiple-unit residential buildings, making penalties applicable, and including effective date provisions.

**SSB 3024      Judiciary**

Providing for a streamlined issuance process for identity theft passports under specified circumstances.

**SSB 3025      Judiciary**

Relating to the attendance of a child at juvenile court hearings or meetings during the pendency of a child in need of assistance case.

**SSB 3026      Judiciary**

Relating to the deferral of costs and fees in a court proceeding for persons unable to pay such costs and fees.

**SSB 3027      Judiciary**

Creating the criminal offense of robbery in the third degree, and providing a penalty.

**SSB 3028      Judiciary**

Relating to expunging the conviction for certain alcohol related offenses committed by persons under legal age.

**SSB 3029      Judiciary**

Relating to marital agreements, and including effective date and applicability provisions.

**SSB 3030      State Government**

Concerning state government reorganization and efficiency, making appropriations, establishing fees, establishing criminal penalties, and providing effective and applicability provisions.

**SSB 3031      Education**

Relating to school improvement and the approval and revocation of charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools.

**SSB 3032      Commerce**

Relating to the recording requirements for certain residential real estate installment sales contracts and including applicability provisions.

**SSB 3033      Education**

Delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

**SSB 3034      Commerce**

Regulating the sale of credit default insurance, and including criminal and civil penalties, transition provisions, and applicability provisions.

**SSB 3035      Ethics**

Relating to ethics laws by establishing disclosure requirements, providing jurisdictional authority, and allowing certain procedures in resolving ethics complaints.

**SSB 3036      Judiciary**

Relating to certain residential real estate contracts and Iowa's consumer fraud Act and making penalties applicable.

**SSB 3037      Judiciary**

Updating references to the federal Truth in Lending Act.

**SSB 3038      Judiciary**

Relating to artisan's liens and Iowa's consumer frauds Act and private right of action for consumer frauds Act and making penalties applicable.

**SSB 3039      Judiciary**

Relating to the violator facility established within the department of corrections.

**SSB 3040      Judiciary**

Relating to detainers lodged against parolees in this state.

**SSB 3041      Judiciary**

Relating to the enrollment fee for persons on probation and parole.

**SSB 3042      Ways and Means**

Updating the Code references to the Internal Revenue Code, providing for decoupling from certain bonus depreciation provisions, and including effective date and retroactive applicability provisions.



**SSB 3043      Education**

Delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

**SSB 3044      Veterans Affairs**

Requiring the department of veterans affairs to promote and support the preservation of the U.S.S. Iowa as a naval museum.

**SSB 3045      Veterans Affairs**

Exempting from the computation of the state individual income tax certain amounts received from the veterans trust fund and including a retroactive applicability provision.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 7**

LABOR AND BUSINESS RELATIONS: Dearden, Chair; Dotzler and Zaun

**Senate File 21**

COMMERCE: Bolkom, Chair; Hartsuch and Warnstadt

**Senate File 24**

LABOR AND BUSINESS RELATIONS: Dearden, Chair; Hatch and Wieck

**Senate File 85**

VETERANS AFFAIRS: Danielson, Chair; Kibbie and Seymour

**Senate File 115**

STATE GOVERNMENT: Hatch, Chair; Courtney and Seymour

**Senate File 126**

VETERANS AFFAIRS: Danielson, Chair; Beall and Seymour

**Senate File 157**

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Horn and Ward

**Senate File 189**

VETERANS AFFAIRS: Black, Chair; Seymour and Warnstadt

**Senate File 257**

VETERANS AFFAIRS: Ragan, Chair; Seymour and Sodders

**Senate File 2002**

VETERANS AFFAIRS: Kibbie, Chair; Seymour and Warnstadt

**Senate File 2011**

LABOR AND BUSINESS RELATIONS: Jochum, Chair; Dotzler and Wieck

**Senate File 2012**

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Dearden and Ward

**Senate File 2016**

TRANSPORTATION: Heckroth, Chair; Hancock and Noble

**Senate File 2017**

WAYS AND MEANS: Quirnbach, Chair; Bartz and Jochum

**Senate File 2021**

JUDICIARY: Kreiman, Chair; Noble and Schoenjahn

**Senate File 2022**

STATE GOVERNMENT: Courtney, Chair; Hartsuch and Hatch

**House File 375**

COMMERCE: Olive, Chair; Kettering and Stewart

**House File 777**

STATE GOVERNMENT: Jochum, Chair; Danielson and Wieck

**SSB 3011**

VETERANS AFFAIRS: Danielson, Chair; Black and Seymour

**SSB 3012**

VETERANS AFFAIRS: Ragan, Chair; Seymour and Sodders

**SSB 3013**

VETERANS AFFAIRS: Kibbie, Chair; Seymour and Warnstadt

**SSB 3014**

VETERANS AFFAIRS: Danielson, Chair; Seymour and Sodders

**SSB 3015**

VETERANS AFFAIRS: Black, Chair; Kibbie and Seymour

**SSB 3016**

VETERANS AFFAIRS: Beall, Chair; Ragan and Seymour

**SSB 3017**

COMMERCE: Stewart, Chair; Kettering and McCoy

**SSB 3018**

COMMERCE: Warnstadt, Chair; Kettering and McCoy

**SSB 3019**

COMMERCE: Olive, Chair; Warnstadt and Wieck

**SSB 3020**

COMMERCE: Olive, Chair; Warnstadt and Wieck

**SSB 3021**

JUDICIARY: Hogg, Chair; Horn and Zaun

**SSB 3022**

JUDICIARY: Kreiman, Chair; Sodders and Ward

**SSB 3023**

JUDICIARY: Fraise, Chair; Kreiman and Noble

**SSB 3024**

JUDICIARY: Jochum, Chair; Horn and Noble

**SSB 3025**

JUDICIARY: Kreiman, Chair; Boettger and Quirmbach

**SSB 3026**

JUDICIARY: Kreiman, Chair; Horn and Noble

**SSB 3027**

JUDICIARY: Kreiman, Chair; Ward and Warnstadt

**SSB 3028**

JUDICIARY: Kreiman, Chair; Noble and Warnstadt

**SSB 3029**

JUDICIARY: Kreiman, Chair; Boettger and Fraise

**SSB 3030**

STATE GOVERNMENT: Appel, Chair; Danielson and Feenstra

**SSB 3031**

EDUCATION: Schmitz, Chair; Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirnbach, Soddors, and Wilhelm

**SSB 3032**

COMMERCE: Warnstadt, Chair; Olive and Wieck

**SSB 3033**

EDUCATION: Heckroth, Chair; Boettger and Wilhelm

**SSB 3034**

COMMERCE: Dandekar, Chair; Kettering and McCoy

**SSB 3035**

ETHICS: Kibbie, Chair; Behn, Dearden, Fraise, Kettering, and McKinley

**SSB 3036**

JUDICIARY: Kreiman, Chair; Quirnbach and Zaun

**SSB 3037**

JUDICIARY: Quirnbach, Chair; Boettger and Horn

**SSB 3038**

JUDICIARY: Jochum, Chair; Kettering and Sodders

**SSB 3039**

JUDICIARY: Hancock, Chair; Schoenjahn and Ward

**SSB 3040**

JUDICIARY: Kreiman, Chair; Hancock and Noble

**SSB 3041**

JUDICIARY: Kreiman, Chair; Jochum and Noble

**SSB 3042**

WAYS AND MEANS: Jochum, Chair; Bolkcom and Zaun

**SSB 3043**

EDUCATION: Wilhelm, Chair; Hamerlinck and Sodders

**SSB 3044**

VETERANS AFFAIRS: Kibbie, Chair; Beall and Seymour

**SSB 3045**

VETERANS AFFAIRS: Beall, Chair; Kibbie and Seymour

**FINAL COMMITTEE REPORT OF BILL ACTION**

**EDUCATION**

**Bill Title:** SENATE FILE 2033 (SSB 3031), a bill for an act relating to school improvement and the approval and revocation of charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Schmitz, Schoenjahn, Appel, Beall, Dvorsky, Heckroth, Kreiman, Quirnbach, Sodders, and Wilhelm. Nays, 4: Johnson, Feenstra, Hamerlinck, and Boettger. Absent, 1: McKinley.

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

## PETITION

The following petition was presented and placed on file:

From 9,013 Iowans supporting the Iowa Supreme Court's unanimous decision to allow gay and lesbian couples to marry and urging the opposition of any attempts to amend the Constitution to strip away those rights. Senator Gronstal.

# JOURNAL OF THE SENATE

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THIRD CALENDAR DAY  
THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, January 13, 2010

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

Prayer was offered by Reverend Kay Hooper, pastor of the First United Methodist Church in Indianola, Iowa. She was the guest of Senator Appel.

The Journal of Tuesday, January 12, 2010, was approved.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 8:53 a.m. until the completion of a meeting of the committee on Rules and Administration.

## RECONVENED

The Senate reconvened at 9:05 a.m., President Kibbie presiding.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Johnson, for the day, on request of Senator Kettering.

The Senate stood at ease at 9:06 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:50 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 102, duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

## SPECIAL GUEST

President Kibbie welcomed to the Senate chamber the Honorable Joy Corning, former member of the Senate from Black Hawk County, Cedar Falls, Iowa.

The Senate rose and expressed its welcome.

## JOINT CONVENTION

In accordance with law and House Concurrent Resolution 102, duly adopted, the joint convention was called to order at 9:57 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.

President Kibbie declared a quorum present and the joint convention duly organized.

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 Condition of the Judiciary Message.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Horn, Courtney, and Hartsuch on the part of the Senate, and Representatives Schueller, Thede, and Hagenow 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 Honorable Marsha K. Ternus, Chief Justice of the Iowa Supreme Court, that the joint convention was ready to receive her.

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Hancock, Fraise, and Bartz on the part of the Senate, and Representatives Swaim, Olson, and Anderson on the part of the House.

Secretary of State Michael Mauro, Secretary of Agriculture Bill Northey, Auditor of State David A. Vaudt, and Attorney General Tom Miller were escorted into the House chamber.

The Justices of the Supreme Court, Chief Judge Sackett and the Judges of the Court of Appeals, and the Chief Judges of the District Courts were escorted into the House chamber.

Lieutenant Governor Patty Judge was escorted into the House chamber.

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

The committee waited upon Chief Justice Marsha K. Ternus and escorted her to the Speaker's station.

President Kibbie then presented Chief Justice Marsha K. Ternus, who delivered the following Condition of the Judiciary Message:

Thank you for this opportunity to speak with you about the delivery of justice in Iowa.

Over the last six months, the members of the court and I have traveled around the state to talk with Iowans about the condition of the court system. We have visited with lawyers, local officials, judges, and other community members, in both rural and urban counties. We have listened to their concerns. They have many concerns — and significant ones — about the impact the budget cuts have had on the operation of the court system. However, their overarching concern is reduced access to justice and its effect on individual Iowans and their communities. Today, I speak to you with their concerns, their voices clearly in mind.

Our common concern for justice is why we gather here this morning. Justice is not an optional government service. Justice is “a constitutional imperative.” As Alexander Hamilton, one of the founders of our government and one of the authors of *The Federalist*, observed: “Justice is the end of government” and it is “the first duty of society.” Two centuries later, Hamilton's conclusions still ring true. Justice is the glue that holds our diverse society together. For these reasons, justice is not only the common obligation of all three branches of government; justice is our primary obligation.

The general theme of my previous reports has been that the state of the judiciary is good. This year, however, I cannot give a favorable report. The budget cuts of the past decade have taken a heavy toll on the ability of the judicial branch to fulfill its constitutional mission. Consequently, the ability of Iowans to receive the court services the Constitution affords them has been reduced, and justice hangs in the balance.

#### Condition of the Courts

Although we are a co-equal, independent branch of government, we know our separate powers do not shield the courts from sacrifice in times of fiscal crisis. In fact, we have reduced our operating expenses time and time again in response to the state's financial problems. In the last decade alone, we cut the cost of operating the state court system five times — and each time the cuts were deep. Unlike many state agencies and the regents, the judicial branch has no pass-through funds, no programs to cut, and no reserve funds to tap. Nearly all of our operating costs are for people — employees and judges who are the lifeblood of the court system — so when we cut our budget, we must cut our workforce. Since FY 2002 our staffing levels have plummeted 17%. Last year alone, we cut our workforce by almost 11%. In addition, we are holding open judicial vacancies. These unfilled judicial positions come at a time when the judicial workload formula shows that the state is already twenty-one judges short of caseload demands.

What is the result of our ten years of downsizing? Today, Iowa's court system operates with a smaller workforce than it had in 1987, the year the state assumed full funding for the court system. Yet over the same period, the number of cases filed in our courts, excluding simple misdemeanors and scheduled violations, has increased by 66%. You heard that right: after twenty-two years, we have fewer people to handle a 66% increase in the most serious and time-consuming cases on our docket.

For years, we have managed the growing imbalance between resources and workload remarkably well without too many serious problems rising to the surface. Under the current circumstances, however, we can no longer insulate Iowans from the consequences of inadequately funded courts; we must ration access to justice.

What does this sad state of affairs mean for Iowans? It means their primary point of access to justice, the clerk of court office, is open part time. It means they will lose valuable services such as assistance completing pro se forms for small claims, dissolution of marriage, and mental health commitments. It means Iowans will encounter delays in important services such as the processing of child support checks and docketing liens. It means citizens will wait longer for hearings and trials and will have to settle for assembly-line justice. It means pressures to plea bargain will increase. It means that some matters like distribution of court orders and arrest warrant checks will be vulnerable to mistakes or will fall between the cracks. While we are doing everything in our power to minimize these problems, we simply do not have the staff to prevent them. We are deeply concerned about the effect these problems will have, not only on litigants and others dependent on court services, but also on the safety of our communities.

#### Stop Gap Measures

To cope with our reduced funding, we have implemented measures that will allow the courts to function as well as possible in the short term. We continue to operate a clerk of court office in each county, although all offices operate with reduced public hours and some operate only a few days a week. We continue to send judges to every county on a regular basis, and to assign one judge to one child or one family in child welfare cases, although more cuts may force us to discontinue these services.

In addition, cases and duties have been ranked in order of priority to ensure that we concentrate our limited resources on high priority cases. Priority cases are cases

that involve a constitutional mandate that necessitates timely adjudication, as well as cases that involve the health, safety, and well-being of vulnerable citizens. For example, criminal cases, mental health commitments, and cases involving the welfare of children are high priorities. Of course by concentrating our resources on these priority cases, litigants in non priority cases will see longer delays. Non priority cases that will be delayed include important matters such as foreclosures, divorces not involving children, debt collection actions, personal injury lawsuits, property disputes, probate matters, and judicial review of administrative agency actions such as workers compensation and unemployment compensation cases.

We are confident that our judges and court staff will, as always, do all they can to enable the judicial branch to fulfill its important mission. It is due to their tireless efforts and admirable work ethic that we have coped as well as we have with dwindling resources. However, even the most productive person can do only so much in a day. We must acknowledge the fact that without restoration of the resources we have lost, we cannot provide the access to justice that Iowans need, and our ability to provide criminal justice consistent with constitutional requirements is in jeopardy.

#### Maintain the Delivery of Justice

We appreciate the scope and magnitude of the state's fiscal difficulties. In recognition of this grim reality, the judicial branch submitted a status quo budget request for FY 2011. We did so even though a status quo budget means we must continue to ration access to justice. As leaders of the state's justice system, we would be irresponsible to downplay the importance of access to justice and to disregard the dangers of underfunded courts. We urge you to provide the funds we need to maintain access to justice at the current level. There are many important reasons to do so.

Let's start with the most important reason: the administration of justice is not an optional service. It is "a constitutional imperative." There are some things that only government can do and these things it must do well. Administering justice under the law equally to all people is a function that only government can fulfill. The determination of guilt and innocence, property rights and parental rights, and legal privileges and power are judgments only government can make. In short, providing access to justice is an indispensable function of government. Indeed, the long-term stability of our democracy hinges on the ability of each branch of government to effectively carry out its constitutional responsibilities, a delicate balance that is jeopardized when one branch is underfunded.

Another reason to maintain access to justice at the current level is that during bad economic times, Iowans need the courts more than ever. As a chief justice from another state has aptly observed about the state courts: "We have become the emergency room for society's worst ailments." Consider the kinds of cases that have seen significant growth in numbers just over the past two years:

- Mortgage foreclosures are up 34%
- Debt collection cases are up 21%
- Petitions for domestic violence protective orders are up 15%
- Adult commitments for substance abuse or mental health problems are up 16%
- Juvenile commitments for substance abuse or mental health problems are up 76%

As these figures demonstrate, this is the worst possible time for the people of Iowa to have less access to justice.

I cannot emphasize enough the serious consequences the budget cuts have on vulnerable and troubled children and on young adults in particular. Recent budget cuts have undermined our ability to monitor troubled youth, identify their needs in a timely manner, and provide the services they require. As you know, we have a small window of opportunity to help these children and young adults. Society pays a high price when we squander that opportunity. When we fail to effectively address their problems early on, we greatly increase the odds these children will end up in the adult correctional and mental health systems. If that happens, not only will we have failed to provide these children with the tools they need to become productive members of society, we will have put the safety of our communities at risk. We cannot allow our vulnerable youth to become casualties of this fiscal crisis.

It would be easy for you to respond that there is nothing you can do; the state's financial situation has never been worse, and every part of government must contribute. But I suggest that the judicial branch has already contributed more than its fair share over the years. The consequences of cut, after cut, after cut now far outweigh the money to be saved. After a decade of downsizing, the time has come to hold the line.

Let me first note that additional cuts in the judicial branch budget will do little to fix the state's looming shortfall. The judicial branch budget represents a tiny fraction — only 3% — of the state budget. We are frequently reminded these days that small amounts add up to real savings. But consider this: small cuts can result in real problems. Even a small reduction in the judicial branch budget will have noticeable and dire consequences on the delivery of justice to Iowans who need court services.

Ironically, underfunding the judicial system is counterproductive to economic recovery because a well-funded court system contributes to the economic well-being of our communities. Besides the obvious impact caused by layoffs of state employees, which harm local communities, cuts in court budgets impact the business community at large. Case delays add to the cost of doing business and create uncertainties for businesses, making them less likely to invest and expand. Recent studies in California and Florida confirm the economic fallout of cutbacks in court services in those states. There is no reason to believe Iowa is immune from such consequences.

Here's another reason to hold the line on court funding. Budget cuts impact court services disproportionately, in large part as a consequence of the cumulative effects of past budget cuts. The judicial branch workforce, unlike the workforce of other government entities, did not bounce back from the cuts imposed earlier in the decade. As you know, most state offices and departments cut personnel in FY 2002. That year, we cut our workforce by 9%. Seven years later, in 2009, before our last round of budget cuts, our workforce was still 7% lower than it was in FY 2002. In contrast, for example, by FY 2009 the executive branch had regained the staffing level it had before the FY 2002 cuts, and the regents had increased its staffing level by 8%. So when this latest financial crisis hit, the playing field was already out of balance.

This imbalance is readily seen in the last round of budget cuts. Notwithstanding the budget reductions implemented by the governor in the executive branch, the delivery of justice was still hit disproportionately harder than most other sectors of government. Our workforce represents only 4% of state government's entire workforce. Yet, our latest workforce reduction, which included the elimination of vacant positions and layoffs, amounted to approximately 23% of the entire state's workforce reduction. Focusing just on layoffs, the judicial branch laid off 110 employees, more than any other entity in state government. On top of our workforce reduction, we have imposed ten days of unpaid leave on all judicial officers and court employees. While employees

of other state entities are taking unpaid leave, most are taking far less than ten days, and many are taking none at all.

Here's the bottom line: This past decade, budget cuts have hit court services harder than other state functions. More budget cuts will severely diminish Iowans' access to justice and jeopardize our ability to fulfill our constitutional responsibilities.

We, like you, value the level and quality of justice we have in this state. We, like you, want to avoid any further erosion of access to justice and its ripple effect on our citizens and communities. We pledge to work closely with you and the governor to find solutions that will prevent the further decline of Iowa's court system.

### Funding Solutions

Last year, as in previous times of fiscal duress, we worked with you to raise court fees as a way to avoid or minimize budget cuts. We are open to discussions about raising court fees again so long as we raise fees that do not further impair access to justice. We have already identified a list of fees that meet this requirement, which we will provide to you. We also highly recommend that litigants and other court users realize the full benefit of the revenue raised from such fees.

### 3 Rs: Retooling, Redesigning, Restructuring

Earlier, I reviewed some of the stop gap measures we have taken to maintain the delivery of justice. I must inform you, however, that these measures do not ensure the same level of access we have provided in the past. Plainly put, it is unrealistic to expect the courts to return to business as usual.

Under these circumstances, we must examine ways to retool, redesign, and restructure court operations so our resources are used as effectively as possible and are allocated to the greatest needs. We have ideas for changes along these lines. Some we can do on our own under our constitutional authority to administer and supervise the courts. Others require action by you. All are prudent measures that improve our service to the people, not only through this financial crisis but well into the future.

### Retooling

In the long run, retooling our operations through the use of modern technology holds great potential for increasing our efficiency and productivity without impairing the quality of our work. Technology can expand access to justice, speed up case processing, increase productivity, lower expenses for litigants and the state, and improve quality.

### EDMS

For years we have been telling you of our plans for a paperless court using a system we call EDMS. EDMS will help us manage our growing caseload and enable us to process cases at any location. For instance, court employees in the smaller counties would be able to handle some of the case processing work of the busier, larger counties. EDMS will make judges more efficient because they will be able to work on cases from any county regardless of where they may be assigned for the day. In short, EDMS is a long-range solution that will allow the judicial branch to maintain access to justice in the face of shrinking resources. I am pleased to report that we have begun testing EDMS in Plymouth County. If all goes well, we aim to have EDMS statewide within four years.

### DART

Our citizens expect their government to explore the use of technology that has the potential for effectively providing services to the public within the constraints of

smaller budgets. Digital audio recording technology, or DART, may have this potential. Courts in 26 states and most federal magistrate and bankruptcy courts successfully use digital recording to make an official record of some or all court proceedings. Just this month, the Conference of State Court Administrators issued a white paper, which we have included in your materials, recommending, with only two limited exceptions, that “courts should move to digital recording as the method for making the verbatim record.” This report concludes digital technology is reliable and accurate and “is an economic alternative to traditional court reporting that provides savings to both litigants and courts.” Even though Iowa courts are staffed with skilled court reporters, given our serious financial problems, it would be irresponsible for the court to ignore a technology that may allow our courts to run more affordably without sacrificing quality.

For the last eight months, a judicial council committee has been studying DART to evaluate its accuracy and reliability. Late last month, the committee submitted its report. In a nutshell, the committee unanimously concluded that: (1) digital recording technology can reliably record the words spoken during court proceedings if the court uses high quality equipment that has been professionally installed and is operated by a trained employee, and (2) accurate transcripts of court proceedings can be obtained from such digital recordings when prepared by well-qualified transcribers. Please review this report, which is included in the materials we have provided to you. It should settle all questions about the accuracy and reliability of digital audio recording equipment.

Despite this favorable report, the Supreme Court has no plan to displace court reporters. The evaluation of this technology is just the first step in determining whether Iowa courts should join the courts of 26 other states and the many federal courts that currently use digital recording to make the official court record. There are many more questions to address before we would ever consider moving ahead with DART. We must fully examine the cost of purchasing, installing, maintaining, and operating this equipment; the method and cost of transcribing recordings; and the cost of providing judges with the support staff they need. I can assure you that the availability of skilled support staff for judges will be a primary consideration in reaching any conclusion about the use of DART. I can also assure you that our decision will be based on facts and on what is in the best interest of the court system as a whole, including the interests of judges, litigants and the public. I trust you will respect our constitutional authority in this area.

### Redesigning

Now let’s move from retooling our operations to redesigning court procedures.

### Civil Litigation Reform

Last year I told you of our goal to make Iowa’s civil justice system faster, less complicated, more affordable, and better equipped to handle complex cases. Civil justice system reforms in other jurisdictions show that these improvements are attainable. To achieve such improvements in Iowa, we have established a steering committee that will develop a plan for a multi-option civil justice system that will include proposals for new court processes and improvements in current procedures. We have asked the steering committee to complete this challenging task by June, 2011.

### Mediation in Family Law Cases

As requested by the legislature, each of our judicial districts has examined how mediation of family law cases could be implemented or expanded in their districts. A report summarizing these efforts is included in the materials provided to you this

morning. We will continue to examine ways in which we can make this dispute resolution option available to Iowa litigants within the limits of our current funding.

In addition to our study of civil litigation reform and our expansion of family law mediation, our employees and judges are constantly searching for ways to streamline our procedures and work flow in a way that will allow us to do more with less. We have learned that even small changes can make a big difference in our ability to handle the work of the courts.

#### Restructuring

Our final option to better meet the demands on our courts within our budget constraints is restructuring our delivery system.

#### Consolidation

When meeting with citizens around the state to talk about the budget question, they always want to know: Do we plan to consolidate the courts, particularly in rural areas of the state? Our answer is: No, the judicial branch has no plans to consolidate the courts. Although the Supreme Court has reached no conclusion about whether consolidation is a prudent policy decision, we think consolidation has obvious drawbacks for the operation of the courts. While it is true that consolidation might make our clerk of court offices easier to manage and supervise, it would reduce our expenses by only a negligible amount. We tapped all the savings we would have achieved through consolidation when we cut our clerk of court workforce last year and reduced the smallest offices to part-time. At this point, consolidating clerk of court offices may actually increase our expenses, not lower them. We would need to move mountains of court records from closed offices to the new permanent location. Because we are required by statute to hold court in every county, we would need to transport case files and exhibits back and forth between counties with and without clerk offices as required for court hearings. Moreover, merging clerk of court offices would shift considerable costs to litigants and local governments by requiring parties to travel farther and prisoners to be transported longer distances.

Notwithstanding the lack of significant savings to the courts by the consolidation of clerk of court offices, additional budget cuts could eventually starve us into consolidation because we simply will not have enough employees to staff 100 clerk offices. Currently, some of our small, part-time clerk of court offices operate with only one employee. In Judicial District 5B in south central and southwest Iowa, we have sixteen employees running nine clerk offices. Last month we had to close one county's clerk office for two days in one week because we had no one available to staff the office those days. Given our current staffing levels, such closures will continue to occur. More budget cuts will worsen this situation and expand it to more counties. The result: de facto consolidation. In the past, you have made it clear that you do not want to consolidate court services; yet, your recent funding decisions suggest the opposite and drive us toward that result. We ask that you not force consolidation of our courts through the back door of underfunding. Whether to have court consolidation is an important policy matter that should be made by careful deliberation, not by default.

#### Magistrates

Now let's shift to another important topic: magistrates.

Last year, I told you of our task force that examined Iowa's judicial magistrate structure, and you approved one of the key recommendations of the task force: the requirement that judicial magistrates must be attorneys licensed to practice law in Iowa. We appreciate your support of that improvement, and now ask you to follow

through with more. Specifically, we ask you to approve the following recommendations of the task force:

- Allow the judicial branch to convert two part-time magistrate positions to one full-time magistrate position.
- Eliminate the mandatory minimum of one magistrate per county but require that magistrate court be held in every county on a regular basis.
- Allow a magistrate to reside in a county that is contiguous to the county of appointment.

These changes will result in a more efficient and effective use of Iowa's magistrates that will increase their collective productivity, reduce disparities in workload, increase the pool of applicants for magistrate positions, and reduce the number of conflicts that plague magistrate courts, particularly magistrate courts in smaller counties.

It's been said, "There is much we can do to chart a better course than the one we're on." I have mentioned four improvements that will chart a better course for the judicial branch, enhancing the delivery of justice and enabling the courts to operate more efficiently. We recognize that improvement necessarily requires change, and change can be difficult for some people. Nonetheless, we cannot handle a 66% increase in workload with fewer employees without changing the way we deliver court services. So although change is always challenging, it is inevitable, as we simply cannot afford to continue "business as usual."

#### Iowa's Fair and Impartial Courts

I turn now to a brighter note. Even though the budget cuts of the past decade have severely impaired Iowans' access to justice, the quality of justice in Iowa remains strong. The credit for this good news belongs to our dedicated court employees and our high-caliber, fair and impartial judiciary.

Iowa's judiciary is recognized as among the best in the nation. For example, in surveys conducted by the Harris Poll for the United States Chamber of Commerce from 2002 to 2008, Iowa's judiciary has consistently ranked among the top ten in terms of competence, fairness and impartiality. In addition to the results of this survey, I have learned since becoming chief justice that chief justices from many other states hold Iowa's court system in high regard. They view our judges as competent, fair, and highly ethical.

Iowa's high standing is, in large part, a result of its constitutional commission-based, merit selection process for choosing judges. Because merit selection emphasizes professional qualifications, Iowa's judges tend to possess the attributes most valued in judges—integrity, legal excellence, and above all else, fairness and impartiality.

Fair and impartial justice is the hallmark of Iowa's court system and is central to the ultimate quality of justice. Iowa's dedicated judges and staff are committed to ensuring that everyone who comes to our courts receives fair and impartial justice. Fair and impartial justice does not mean everyone will agree with court decisions or that courts are immune from error. Fair and impartial justice means that our judges and the process for resolving legal disputes are even-handed. Fair and impartial justice means that Iowa's courts follow the rule of law: when a person stands before an Iowa judge he or she can trust that the judge will make a decision based upon the facts of the case and the consistent application of the law and the constitution, not based upon political pressures or promises or personal beliefs. But fair and impartial justice



means little to those people who do not have access to that justice. And now, because of a decade of budget cuts, we are rationing Iowans' access to justice.

#### Conclusion: Iowa Cannot Afford to Ration Justice

The judicial branch cannot stop the erosion of access to justice by itself. We are doing all we can within the constraints of our current statutory framework and our appropriations. Your support and cooperation are imperative. We depend on you to marshal the resources we need to provide access to justice. If adequate resources are not available to support access to justice, then you must take other measures to help us improve the situation. Eliminate our statutory duties that have no bearing on the resolution of cases. Remove statutory restrictions that impede prudent improvements that would maximize the use of our scarce resources. Approve our ideas for statutory changes that will strengthen the delivery of justice. And finally, if you cannot find adequate resources to support access to justice, join us in explaining to Iowans, your constituents, why their access to the courts has been diminished.

You may think that rationing access to justice is not too much to ask of Iowans given the state's dire financial circumstances and the sacrifices being made by all Iowans during this recession. But think again. Iowans need court services now more than ever.

- Abused and neglected children depend on our courts for timely placements in safe and stable homes.
- Victims of violence depend on our courts for protective and no-contact orders to help shield them from further harm.
- Communities depend on our courts to address and stop juvenile delinquency, to try criminal charges, and to impose sentences on convicted criminal offenders.
- Business owners depend on our courts to resolve contractual disputes that undermine productivity and profits.
- Broken families depend on our courts to provide some measure of order to their lives.

Most importantly, all Iowans, whether they realize it or not, depend on our courts to uphold the rule of law, which guarantees an open, accountable, and predictable legal process that fosters a civil, stable society.

It is our common obligation, our first duty to society, to ensure that our citizens have access to justice, even in times of fiscal stress. As justice hangs in the balance, we can do nothing less.

Chief Justice Marsha K. Ternus 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 10:53 a.m. until 1:00 p.m.

## APPENDIX—1

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### DEPARTMENT OF CORRECTIONS

Report on Use of Paramedics in Correctional Institutions, pursuant to 2009 Iowa Acts, SF 475. Report received on January 12, 2010.

### REPORT OF COMMITTEE MEETING

#### EDUCATION

**Convened:** Tuesday, January 12, 2010, 4:05 p.m.

**Members Present:** Schmitz, Chair; Schoenjahn, Vice Chair; Boettger, Ranking Member; Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, Quirmbach, Soddors, and Wilhelm.

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

**Committee Business:** Approved SSB 3031.

**Recessed:** 4:10 p.m.

**Reconvened:** 4:30 p.m.

**Adjourned:** 5:30 p.m.

### INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 101**, by committee on Rules and Administration, a concurrent resolution amending the joint rules of the Senate and House of Representatives relating to session timetable changes.

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

**Senate Resolution 103**, by committee on Rules and Administration, a resolution amending the permanent rules of the Senate relating to the deadline for requesting the drafting of bills by members and session timetable changes.

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

### INTRODUCTION OF BILLS

**Senate File 2034**, by Dandekar, a bill for an act relating to the establishment of school district policies to prevent and address incidents of dating violence, and providing an effective date.

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

**Senate File 2035**, by Dandekar and Olive, a bill for an act relating to the registration of antique motor vehicles and providing a fee.

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

**Senate File 2036**, by Kettering, a bill for an act relating to the enforcement of weight limitations for vehicles with retractable axles.

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

**Senate File 2037**, by Kettering, a bill for an act relating to unfair insurance trade practices involving losses requiring replacement items and providing penalties.

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

**Senate File 2038**, by Dandekar, a bill for an act to require retail establishments to make restroom facilities available to certain members of the public, providing a penalty, and including effective date provisions.

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

**Senate File 2039**, by Danielson, a bill for an act relating to the determination of city population for purposes of civil service commissions.

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

**Senate File 2040**, by McKinley, a bill for an act relating to testing requirements for applicants for teacher licensure or endorsement.

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

**Senate File 2041**, by Schmitz, a bill for an act relating to a restitution plan and a restitution plan of payment in a criminal proceeding.

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

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 18** (Reassigned)

TRANSPORTATION: Hancock, Chair; Heckroth and Reynolds

### **Senate File 32** (Reassigned)

TRANSPORTATION: Rielly, Chair; Hahn and Warnstadt

### **Senate File 33** (Reassigned)

TRANSPORTATION: Rielly, Chair; Hahn and McCoy

**Senate File 34** (Reassigned)

TRANSPORTATION: Rielly, Chair; Heckroth and Reynolds

**Senate File 59** (Reassigned)

TRANSPORTATION: Rielly, Chair; Hahn and Hancock

**Senate File 68** (Reassigned)

TRANSPORTATION: Rielly, Chair; Danielson and Noble

**Senate File 129** (Reassigned)

TRANSPORTATION: Hancock, Chair; Heckroth and Zaun

**Senate File 136** (Reassigned)

TRANSPORTATION: Hancock, Chair; Heckroth and Kapucian

**Senate File 138** (Reassigned)

TRANSPORTATION: Hancock, Chair; Hahn and Heckroth

**Senate File 228** (Reassigned)

TRANSPORTATION: Rielly, Chair; Dandekar and Zaun

**Senate File 272** (Reassigned)

TRANSPORTATION: Rielly, Chair; Beall and Kapucian

**Senate File 324** (Reassigned)

TRANSPORTATION: Hancock, Chair; Heckroth and Reynolds

**Senate File 349** (Reassigned)

TRANSPORTATION: Hancock, Chair; Heckroth and Zaun

**Senate File 418**

HUMAN RESOURCES: Schmitz, Chair; Hartsuch and Quirmbach

**Senate File 2040**

EDUCATION: Dvorsky, Chair; McKinley and Quirmbach

**SSB 3046**

HUMAN RESOURCES: Wilhelm, Chair; Hartsuch and Schmitz

**SSB 3047**

HUMAN RESOURCES: Schmitz, Chair; Kreiman and Seymour

**SSB 3048**

HUMAN RESOURCES: Wilhelm, Chair; Bartz and Schmitz

**SSB 3049**

HUMAN RESOURCES: Hatch, Chair; Boettger and Ragan

**SSB 3050**

HUMAN RESOURCES: Wilhelm, Chair; Dotzler and Hartsuch

**SSB 3051**

HUMAN RESOURCES: Ragan, Chair; Bartz and Bolkcom

**SSB 3052**

HUMAN RESOURCES: Dotzler, Chair; Bolkcom and Seymour

**SSB 3053**

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Dotzler

**SSB 3054**

HUMAN RESOURCES: Quirnbach, Chair; Hartsuch and Wilhelm

**SSB 3055**

HUMAN RESOURCES: Dotzler, Chair; Schmitz and Seymour

**FINAL COMMITTEE REPORTS OF BILL ACTION****RULES AND ADMINISTRATION**

**Bill Title:** SENATE CONCURRENT RESOLUTION 101, a concurrent resolution amending the joint rules of the Senate and House of Representatives relating to session timetable changes.

**Recommendation:** APPROVED COMMITTEE BILL.

**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.

**ALSO:**

**Bill Title:** SENATE RESOLUTION 103, a resolution amending the permanent rules of the Senate relating to the deadline for requesting the drafting of bills by members and session timetable changes.

**Recommendation:** APPROVED COMMITTEE BILL.

**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.

## RECONVENED

The Senate reconvened at 1:10 p.m., President Kibbie presiding.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 103.

**Senate Resolution 103**

On motion of Senator Gronstal, **Senate Resolution 103**, a resolution amending the permanent rules of the Senate relating to the deadline for requesting the drafting of bills by members and session timetable changes, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Resolution 103, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 101.

**Senate Concurrent Resolution 101**

On motion of Senator Gronstal, **Senate Concurrent Resolution 101**, a concurrent resolution amending the joint rules of the Senate and House of Representatives relating to session timetable changes, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Concurrent Resolution 101, which motion prevailed by a voice vote.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Concurrent Resolution 101** be **immediately messaged** to the House.



## RECESS

On motion of Senator Gronstal, the Senate recessed at 1:14 p.m. until 4:30 p.m.

## RECONVENED

The Senate reconvened at 4:43 p.m., President Kibbie presiding.

The Senate stood at ease at 4:44 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:29 p.m., President Kibbie presiding.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2033.

**Senate File 2033**

On motion of Senator Schmitz, **Senate File 2033**, a bill for an act relating to school improvement and the approval and revocation of charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools, was taken up for consideration.

Senator Hamerlinck offered amendment S-5004, filed by him from the floor to pages 1 and 14 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5004 be adopted?" (S.F. 2033), the vote was:

Yeas, 17:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Hartsuch	Noble	Zaun

Boettger	Houser	Reynolds
Feenstra	Kapucian	Seymour
Hahn	Kettering	Ward

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	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 1:

Johnson

Amendment S-5004 lost.

Senator Reynolds offered amendment S-5003, filed by her from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5003 be adopted?" (S.F. 2033), the vote was:

Yeas, 19:

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

Nays, 30:

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

Absent, 1:

Johnson

Amendment S–5003 lost.

Senator McKinley offered amendment S–5002, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5002 be adopted?” (S.F. 2033), the vote was:

Yeas, 17:

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

Nays, 32:

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

Absent, 1:

Johnson

Amendment S–5002 lost.

Senator Schmitz offered amendment S–5001, filed by her from the floor to page 1 of the bill, and moved its adoption.

Amendment S–5001 was adopted by a voice vote.

Senator Boettger offered amendment S–5005, filed by Senator Boettger, et al., from the floor to pages 2–14 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5005 be adopted?" (S.F. 2033), the vote was:

Yeas, 18:

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

Nays, 31:

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

Absent, 1:

Johnson

Amendment S-5005 lost.

The Senate stood at ease at 6:06 p.m. until the fall of the gavel.

The Senate resumed session at 7:30 p.m., President Kibbie presiding.

Senator Feenstra offered amendment S-5006, filed by him from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5006 be adopted?" (S.F. 2033), the vote was:

Yeas, 17:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Hartsuch	Noble	Zaun

Boettger	Houser	Reynolds
Feenstra	Kapucian	Seymour
Hahn	Kettering	Ward

Nays, 32:

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

Absent, 1:

Johnson

Amendment S-5006 lost.

Senator Boettger offered amendment S-5007, filed by her from the floor to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5007 be adopted?" (S.F. 2033), the vote was:

Yeas, 18:

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

Nays, 31:

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

Absent, 1:

Johnson

Amendment S-5007 lost.

Senator Hartsuch offered amendment S-5009, filed by him from the floor to pages 2 and 14 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5009 be adopted?" (S.F. 2033), the vote was:

Yeas, 17:

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

Nays, 32:

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

Absent, 1:

Johnson

Amendment S-5009 lost.

Senator McKinley offered amendment S-5008, filed by him from the floor to page 14 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5008 be adopted?” (S.F. 2033), the vote was:

Yeas, 17:

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

Nays, 32:

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

Absent, 1:

Johnson

Amendment S–5008 lost.

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. 2033), the vote was:

Yeas, 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

Nays, 17:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Hartsuch	Noble	Zaun
Boettger	Houser	Reynolds	

Feenstra  
Hahn

Kapucian  
Kettering

Seymour  
Ward

Absent, 1:

Johnson

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 2033** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:20 p.m. until 8:45 a.m., Thursday, January 14, 2010.

### APPENDIX—2

#### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### DEPARTMENT OF NATURAL RESOURCES

Mercury Thermostat Recycling Program Report, pursuant to Iowa Code section 455D.16. Report received on January 13, 2010.

#### REPORT OF COMMITTEE MEETINGS

##### EDUCATION

**Convended:** Wednesday, January 13, 2010, 2:30 p.m.

**Members Present:** Schmitz, Chair; Schoenjahn, Vice Chair; Boettger, Ranking Member; Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Kreiman, McKinley, Quirmbach, Soddors, and Wilhelm.

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

**Committee Business:** Approved SSBs 3033, 3043, and 3060.



**Recessed:** 2:50 p.m.

**Reconvened:** 3:00 p.m.

**Adjourned:** 3:25 p.m.

## INTRODUCTION OF BILLS

**Senate File 2042**, by McKinley, a bill for an act relating to certain reporting requirements required of school districts, accredited nonpublic schools, and community colleges.

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

**Senate File 2043**, by Olive, a bill for an act relating to uninsured and underinsured motor vehicle insurance coverage.

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

**Senate File 2044**, by Olive and Stewart, a bill for an act relating to the requirements of businesses seeking financial assistance under the value-added agriculture component of the grow Iowa values financial assistance program and including applicability provisions.

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

**Senate File 2045**, by the Committee on Education, a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

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

**Senate File 2046**, by the Committee on Education, a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

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

**Senate File 2047**, by the Committee on Education, a bill for an act relating to the school budget review committee by modifying its membership and by modifying the committee's duties related to school district unusual financial circumstances and including effective date provisions.

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

#### STUDY BILLS RECEIVED

**SSB 3046      Human Resources**

Creating the local public health governance Act, and providing penalties.

**SSB 3047      Human Resources**

Relating to the organization and duties of the state board of health.

**SSB 3048      Human Resources**

Relating to health-related activities and regulation by the department of public health, and making penalties applicable.

**SSB 3049      Human Resources**

Making changes to the uniform controlled substances Act.

**SSB 3050      Human Resources**

Relating to emergency medical care providers, emergency medical care service programs and emergency medical care services training programs, and providing penalties.

**SSB 3051      Human Resources**

Authorizing the continuing expenditure of repayment receipts for lead training and certification collected by the department of public health and including effective date and applicability provisions.

**SSB 3052      Human Resources**

Requiring criminal history and abuse registry checks for certified nurse aide training program students and providing a penalty.

**SSB 3053      Human Resources**

Relating to transfer of assets provisions under the medical assistance program.

**SSB 3054      Human Resources**

Relating to the disclosure of disease information reported to a public health department.

**SSB 3055      Human Resources**

Relating to participation of chiropractors in certain limited provider network plans.

**SSB 3056      Labor and Business Relations**

Relating to choice of medical care by members of the municipal police and fire retirement system who are injured in the line of duty.

**SSB 3057      Labor and Business Relations**

Relating to employment practices and public safety programs administered by the division of labor services of the department of workforce development.

**SSB 3058      Labor and Business Relations**

Providing notification to the department of workforce development by the secretary of state when certain business entities apply for reinstatement after dissolution to ensure certain tax obligations have been fulfilled.

**SSB 3059      Labor and Business Relations**

Relating to unemployment insurance benefits for spouses who leave employment to accompany a spouse on a military assignment.

**SSB 3060      Education**

Relating to the school budget review committee by modifying its membership and by modifying the committee's duties related to school district unusual financial circumstances.

**SSB 3061      Environment and Energy Independence**

Relating to beautification grants to be awarded from the solid waste account of the groundwater protection fund.

**SSB 3062      Economic Growth**

Relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions.

**SSB 3063      Economic Growth**

Concerning fine arts projects in state buildings.

**SSB 3064      Economic Growth**

Establishing an Iowa innovation council in the department of economic development.

**SSB 3065      Economic Growth**

Reducing the amount of tax credits that may be issued for capital investment in the Iowa fund of funds.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 128**

TRANSPORTATION: Rielly, Chair; Hahn and Hancock

### **Senate File 306**

TRANSPORTATION: Rielly, Chair; Hancock and Zaun

### **Senate File 2019**

ECONOMIC GROWTH: Beall, Chair; Kapucian and Olive

### **Senate File 2038**

STATE GOVERNMENT: Horn, Chair; Black and Hartsuch

### **House File 734**

JUDICIARY: Jochum, Chair; Boettger and Kreiman

### **SSB 3056**

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Dearden and Ward

### **SSB 3057**

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Hatch and Ward

### **SSB 3058**

LABOR AND BUSINESS RELATIONS: Jochum, Chair; Dotzler and Wieck

### **SSB 3059**

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Jochum and Ward

### **SSB 3060**

EDUCATION: Schoenjahn, Chair; Soddors and Feenstra

### **SSB 3061**

ENVIRONMENT AND ENERGY INDEPENDENCE: Hogg, Chair; Wilhelm and Ward

### **SSB 3062**

ECONOMIC GROWTH: Stewart, Chair; Houser and Olive

**SSB 3063**

ECONOMIC GROWTH: Dotzler, Chair; Reynolds and Schmitz

**SSB 3064**

ECONOMIC GROWTH: Heckroth, Chair; Dandekar and Wieck

**SSB 3065**

ECONOMIC GROWTH: Stewart, Chair; Houser and Rielly

**FINAL COMMITTEE REPORTS OF BILL ACTION****EDUCATION**

**Bill Title:** SENATE FILE 2045 (SSB 3043), a bill for an act delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Schmitz, Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Kreiman, McKinley, Quirnbach, Sodders, and Wilhelm. Nays, none. Absent, 1: Johnson.

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

**ALSO:**

**Bill Title:** SENATE FILE 2046 (SSB 3033), a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Schmitz, Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Kreiman, McKinley, Quirnbach, Sodders, and Wilhelm. Nays, none. Absent, 1: Johnson.

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

**ALSO:**

**Bill Title:** \*SENATE FILE 2047, a bill for an act relating to the school budget review committee by modifying its membership and by modifying the committee's duties related to school district unusual financial circumstances and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Schmitz, Schoenjahn, Appel, Beall, Dvorsky, Heckroth, Kreiman, Quirnbach, Soddors, and Wilhelm. Nays, 3: Feenstra, Hamerlinck, and McKinley. Present, 1: Boettger. Absent, 1: Johnson.

**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 Education Committee on Senate File 2047, and they were attached to the committee report.

### AMENDMENTS FILED

S-5001	S.F.	2033	Becky Schmitz
S-5002	S.F.	2033	Paul McKinley
S-5003	S.F.	2033	Kim Reynolds
S-5004	S.F.	2033	Shawn Hamerlinck
S-5005	S.F.	2033	Nancy J. Boettger
			Jerry Behn
			Brad Zaun
			James A. Seymour
			Larry Noble
			Tim L. Kapucian
			Pat Ward
			Kim Reynolds
			David L. Hartsuch
			James F. Hahn
			Steve Kettering
			Paul McKinley
			Shawn Hamerlinck
S-5006	S.F.	2033	Randy Feenstra
S-5007	S.F.	2033	Nancy J. Boettger
S-5008	S.F.	2033	Paul McKinley
S-5009	S.F.	2033	David L. Hartsuch

# JOURNAL OF THE SENATE

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FOURTH CALENDAR DAY  
FOURTH SESSION DAY

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

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

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

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

## RECESS

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

## RECONVENED

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

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

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

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

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



CONSIDERATION OF BILLS  
(Regular Calendar)

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

**Senate File 2045**

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

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

On the question "Shall the bill pass?" (S.F. 2045), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

## Senate File 2046

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

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

On the question "Shall the bill pass?" (S.F. 2046), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

### IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate Files 2045** and **2046** be **immediately messaged** to the House.

## ADJOURNMENT

On motion of Senator Courtney, the Senate adjourned at 12:53 p.m. until 9:00 a.m., Friday, January 15, 2010.

## APPENDIX

### COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### DEPARTMENT OF HUMAN SERVICES

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

#### IOWA STUDENT LOAN

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

### CERTIFICATES OF RECOGNITION

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

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

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

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

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

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

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

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

**Committee Business:** Organizational meeting.

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

## ENVIRONMENT AND ENERGY INDEPENDENCE

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

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

**Members Absent:** None.

**Committee Business:** Organizational meeting. Reviewed bills from last session. Subcommittee assignment for SSB 3061.

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

## HUMAN RESOURCES

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

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

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

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

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

## JUDICIARY

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

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

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

**Committee Business:** Subcommittee assignments.

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

## REBUILD IOWA

**Convened:** Thursday, January 14, 2010, 11:05 a.m.

**Members Present:** Hogg, Chair; Heckroth, Vice Chair; Hamerlinck, Ranking Member; Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart.

**Members Absent:** None.

**Committee Business:** Presentation of Water Resource Coordinating Council Recommendations.

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

## WAYS AND MEANS

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

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

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

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

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

## INTRODUCTION OF RESOLUTION

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

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

## INTRODUCTION OF BILLS

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

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

**Senate File 2049**, by Rielly, a bill for an act providing an exception to licensing requirements for certain bingo occasions.

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

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

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

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

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

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

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

**Senate File 2053**, by Hatch, a bill for an act relating to drug product selection relative to antiepileptic drugs.

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

**Senate File 2054**, by Jochum, a bill for an act relating to the disposal and composting of organic waste.

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

## STUDY BILLS RECEIVED

**SSB 3066      State Government**

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

**SSB 3067      State Government**

Governing residential electrical installations, and establishing a fee.

**SSB 3068      State Government**

Relating to campaign finance requirements and reporting.

**SSB 3069      State Government**

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

**SSB 3070      Transportation**

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

**SSB 3071      Transportation**

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

**SSB 3072      Human Resources**

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

**SSB 3073      Human Resources**

Relating to the IowaCare program, and providing for repeals.

**SSB 3074      Human Resources**

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

**SSB 3075      Human Resources**

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

**SSB 3076      Judiciary**

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

**SSB 3077      Rebuild Iowa**

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

**SSB 3078      Human Resources**

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

**SSB 3079      Human Resources**

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



**SSB 3080 Commerce**

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

**SSB 3081 Transportation**

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

**SSB 3082 Veterans Affairs**

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

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

TRANSPORTATION: Danielson, Chair; Kapucian and McCoy

**Senate File 350**

TRANSPORTATION: Rielly, Chair; Dandekar and Hahn

**Senate File 2007**

LOCAL GOVERNMENT: Quirnbach, Chair; Kreiman and Reynolds

**Senate File 2018**

LOCAL GOVERNMENT: Schoenjahn, Chair; Hamerlinck and Olive

**Senate File 2023**

LOCAL GOVERNMENT: Quirnbach, Chair; Hamerlinck and Rielly

**Senate File 2024**

LOCAL GOVERNMENT: Rielly, Chair; Kapucian and Schoenjahn

**Senate File 2026**

JUDICIARY: Warnstadt, Chair; Hogg and Noble

**Senate File 2027**

JUDICIARY: Soddors, Chair; Kreiman and Noble

**Senate File 2028**

LOCAL GOVERNMENT: Beall, Chair; Kreiman and Reynolds

**Senate File 2029**

LOCAL GOVERNMENT: Quirmbach, Chair; Beall and Houser

**Senate File 2031**

JUDICIARY: Soddors, Chair; Jochum and Kettering

**Senate File 2032**

TRANSPORTATION: Danielson, Chair; Kapucian and McCoy

**Senate File 2035**

TRANSPORTATION: Dandekar, Chair; Beall and Zaun

**Senate File 2036**

TRANSPORTATION: Rielly, Chair; Hancock and Zaun

**Senate File 2041**

JUDICIARY: Jochum, Chair; Fraise and Kettering

**Senate File 2042**

EDUCATION: Dvorsky, Chair; Boettger and Quirmbach

**Senate File 2048**

VETERANS AFFAIRS: Warnstadt, Chair; Beall and Seymour

**SSB 3066**

STATE GOVERNMENT: Danielson, Chair; Behn and Black

**SSB 3067**

STATE GOVERNMENT: Danielson, Chair; Behn and Black

**SSB 3068**

STATE GOVERNMENT: Soddors, Chair; Horn and Seymour

**SSB 3069**

STATE GOVERNMENT: Kibbie, Chair; Feenstra and Sadders

**SSB 3070**

TRANSPORTATION: Danielson, Chair; Kapucian and McCoy

**SSB 3071**

TRANSPORTATION: Heckroth, Chair; Beall and Reynolds

**SSB 3072**

HUMAN RESOURCES: Hatch, Chair; Bartz and Kreiman

**SSB 3073**

HUMAN RESOURCES: Hatch, Chair; Ragan and Seymour

**SSB 3074**

HUMAN RESOURCES: Kreiman, Chair; Hartsuch and Ragan

**SSB 3075**

HUMAN RESOURCES: Hatch, Chair; Boettger and Kreiman

**SSB 3076**

JUDICIARY: Hogg, Chair; Quirnbach and Zaun

**SSB 3077**

REBUILD IOWA: Hogg, Chair; Feenstra and Horn

**SSB 3078**

HUMAN RESOURCES: Hatch, Chair; Bartz and Bolkcom

**SSB 3079**

HUMAN RESOURCES: Bolkcom, Chair; Hartsuch and Wilhelm

**SSB 3080**

COMMERCE: Heckroth, Chair; Courtney and Hartsuch

**SSB 3081**

TRANSPORTATION: Heckroth, Chair; Beall and Reynolds

**SSB 3082**

VETERANS AFFAIRS: Kibbie, Chair; Noble and Warnstadt

# JOURNAL OF THE SENATE

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FIFTH CALENDAR DAY  
FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Friday, January 15, 2010

The Senate met in regular session at 9:13 a.m., Senator Jochum presiding.

A moment of silence was observed by the Senate.

The Journal of Thursday, January 14, 2010, was approved.

## HOUSE MESSAGE RECEIVED

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 January 14, 2010, **adopted** the following resolution in which the concurrence of the House was asked:

**Senate Concurrent Resolution 101**, a concurrent resolution amending the joint rules of the Senate and House of Representatives relating to session timetable changes.

## RECESS

On motion of Senator Black, the Senate recessed at 9:14 a.m. until the fall of the gavel.

## RECONVENED

The Senate reconvened at 2:27 p.m., Senator McCoy presiding.

## 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 January 15, 2010, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 2033**, a bill for an act relating to school improvement and the approval and revocation of charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools.

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

**Senate File 2046**, a bill for an act delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

ALSO: I am directed to inform your honorable body that the House has on January 15, 2010, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 2030**, a bill for an act relating to the school budget review committee by modifying its membership and by modifying the committee's duties related to school district unusual financial circumstances and including effective date provisions.

Read first time and attached to **companion Senate File 2047**.

## ADJOURNMENT

On motion of Senator Dotzler, the Senate adjourned at 2:28 p.m. until 10:00 a.m., Tuesday, January 19, 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 REVENUE**

2009 Annual Report of the Industrial Processing Exemption Study Committee, pursuant to 2005 Iowa Acts, HF 313. Report received January 15, 2009.

**STATE BOARD OF TAX REVIEW**

2009 Annual Report to the Legislature, pursuant to Iowa Code section 421.1(5). Report received January 14, 2009.

**BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following reports:

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 15<sup>th</sup> day of January, 2010:

Senate File 2033.

**MICHAEL E. MARSHALL**  
Secretary of the Senate

# JOURNAL OF THE SENATE

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NINTH CALENDAR DAY  
SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, January 19, 2010

The Senate met in regular session at 10:07 a.m., President Kibbie presiding.

Prayer was offered by Sister Tess Engel of the Holy Trinity Parish in Fort Dodge, Iowa. She was the guest of Senator Beall.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Josh Burke.

The Journal of Friday, January 15, 2010, was approved.

The Senate stood at ease at 10:18 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:20 a.m., President Kibbie presiding.

## CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2047.

### **Senate File 2047**

On motion of Senator Schoenjahn, **Senate File 2047**, a bill for an act relating to the school budget review committee by modifying its membership and by modifying the committee's duties related to school district unusual financial circumstances and including effective date provisions, was taken up for consideration.



Senator Schoenjahn asked and received unanimous consent that **House File 2030** be **substituted** for **Senate File 2047**.

### **House File 2030**

On motion of Senator Schoenjahn, **House File 2030**, a bill for an act relating to the school budget review committee by modifying its membership and by modifying the committee's duties related to school district unusual financial circumstances and including effective date provisions, was taken up for consideration.

Senator Johnson asked and received unanimous consent that action on **House File 2030** be deferred.

### RECESS

On motion of Senator Gronstal, the Senate recessed at 11:27 a.m. until 1:30 p.m.

## APPENDIX—1

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### IOWA JUDICIAL BRANCH

Report on Enhanced Court Collection Fund and Court Technology Fund, pursuant to 2009 Iowa Acts, SF 472, section 1(8). Report received on January 18, 2010.

#### AGENCY ICN REPORT

An Iowa Communications Network (ICN) usage report for FY 2009, pursuant to Iowa Code section 8D.10, was received from the following agency:

IOWA WORKFORCE DEVELOPMENT – Report received on January 19, 2010.

## CERTIFICATES OF RECOGNITION

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

George Cummins, Charles City—In honor of his retirement from Iowa State University. Senator Ragan (1/19/10).

Howard C. Derby, Burlington—For celebrating his 90<sup>th</sup> birthday. Senator Courtney (1/19/10).

Mariann Eccles, Burlington—For celebrating her 90<sup>th</sup> birthday. Senator Courtney (1/19/10).

Evan Ferrel, Coralville—For achieving the rank of Eagle Scout, Troop 2000. Senator Bolkcom (1/19/10).

Duane Griggs, Burlington—For celebrating his 90<sup>th</sup> birthday. Senator Courtney (1/19/10).

Ronald and Nawanda Mehaffy, Burlington—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Courtney (1/19/10).

Catherine Merz, Keota—For celebrating her 101<sup>st</sup> birthday. Senator Rielly (1/19/10).

Marilyn Miller, Oskaloosa—In honor of her retirement after 30-plus years of service. Senator Rielly and Representative Palmer (1/19/10).

Aloysius TeKippe—For achieving the rank of Eagle Scout, Troop 115. Senator Appel (1/19/10).

## REPORTS OF COMMITTEE MEETINGS

### JUDICIARY

**Convened:** Tuesday, January 19, 2010, 1:05 p.m.

**Members Present:** Kreiman, Chair; Hogg, Vice Chair; Kettering, Ranking Member; Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Soddors, Ward, and Warnstadt.

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

**Committee Business:** Passed HF 734 and approved SSB 1136, both as amended.

**Adjourned:** 1:30 p.m.

**LOCAL GOVERNMENT**

**Convened:** Tuesday, January 19, 2010, 2:00 p.m.

**Members Present:** Quirnbach, Chair; Beall, Vice Chair; Reynolds, Ranking Member; Hamerlinck, Houser, Kreiman, Rielly, and Schoenjahn.

**Members Absent:** Kapucian, McCoy, and Olive (all excused).

**Committee Business:** Deferred HF 216.

**Adjourned:** 2:05 p.m.

**INTRODUCTION OF BILLS**

**Senate File 2055**, by Appel, Dearden, Hatch, Hogg, Dvorsky, Heckroth, Beall, Quirnbach, Jochum, Kibbie, Gronstal, Courtney, Bolkom, Schoenjahn, Kreiman, Soddors, Danielson, Stewart, and Fraise, a bill for an act concerning the use of child restraint systems or seat belts by motor vehicle passengers who are minors and making a penalty applicable.

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

**Senate File 2056**, by Appel, Dearden, Hatch, Hogg, Quirnbach, Jochum, Black, McCoy, Courtney, Kibbie, Gronstal, Dandekar, Soddors, Stewart, Beall, and Fraise, a bill for an act concerning the operation of a motor vehicle while using an electronic communication device to write, read, or send an electronic message, and providing penalties.

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

**Senate File 2057**, by Hogg, a bill for an act relating to renewable energy production by establishing a solar electric generation standard applicable to electric public utilities.

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

**Senate File 2058**, by Hancock, a bill for an act relating to textbooks and laptop computers or other personal portable computing devices adopted for use by school districts and provided to public and accredited nonpublic school students.

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

**Senate File 2059**, by Hancock, a bill for an act concerning the purchasing of raffle tickets.

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

**Senate File 2060**, by Sodders, a bill for an act requiring financial liability coverage as a condition for registration of a motor vehicle, requiring insurance carriers to certify automobile liability coverage to the department of transportation, and providing civil and criminal penalties.

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

**Senate File 2061**, by McCoy, a bill for an act requiring that certain health insurance policies provide coverage for preventive screenings and services for colorectal cancer.

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

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 2009**

COMMERCE: Warnstadt, Chair; Hartsuch and Rielly

### **Senate File 2020**

COMMERCE: Rielly, Chair; Behn and McCoy

### **Senate File 2043**

COMMERCE: Olive, Chair; Bolkcom and Wieck

**Senate File 2044**

ECONOMIC GROWTH: Olive, Chair; Hatch and Houser

**Senate File 2049**

STATE GOVERNMENT: Jochum, Chair; Seymour and Sodders

**Senate File 2050**

JUDICIARY: Sodders, Chair; Boettger and Horn

**Senate File 2053**

HUMAN RESOURCES: Hatch, Chair; Johnson and Quirmbach

**SSB 3083**

HUMAN RESOURCES: Ragan, Chair; Johnson and Wilhelm

**SSB 3084**

HUMAN RESOURCES: Hatch, Chair; Johnson and Wilhelm

**SSB 3085**

HUMAN RESOURCES: Dotzler, Chair; Bartz and Bolkcom

**SSB 3086**

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Johnson

**SSB 3087**

JUDICIARY: Kreiman, Chair; Hancock and Noble

**SSB 3088**

REBUILD IOWA: Stewart, Chair; Horn and Reynolds

**SSB 3089**

REBUILD IOWA: Heckroth, Chair; Hamerlinck and Stewart

**SSB 3090**

COMMERCE: Heckroth, Chair; Olive and Wieck

**SSB 3091**

STATE GOVERNMENT: Dearden, Chair; Black and Hartsuch

## RECONVENED

The Senate reconvened at 1:42 p.m., President Kibbie presiding.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 1:43 p.m. until 3:30 p.m.

## RECONVENED

The Senate reconvened at 3:57 p.m., President Kibbie presiding.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 3:58 p.m. until 5:00 p.m.

## EVENING SESSION

The Senate reconvened at 5:15 p.m., President Pro Tempore Danielson presiding.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy, until he returns, on request of Senator Gronstal; and Senator Zaun, until he arrives, on request of Senator Ward.

## BUSINESS PENDING

**House File 2030**

The Senate resumed consideration of **House File 2030**, a bill for an act relating to the school budget review committee by modifying its membership and by modifying the committee's duties related to school district unusual financial circumstances and including effective date provisions, previously deferred.

Senator McKinley offered amendment S-5011, filed by Senator McKinley, et al., from the floor to pages 3 and 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5011 be adopted?" (H.F. 2030), the vote was:

Yeas, 17:

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

Nays, 31:

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

Absent, 2:

McCoy	Zaun
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Amendment S-5011 lost.

Senator Bartz offered amendment S-5012, filed by him from the floor to page 4 of the bill, and moved its adoption.

Amendment S-5012 lost 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?" (H.F. 2030), the vote was:

Yeas, 32:

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

Nays, 16:

Bartz	Feenstra	Houser	McKinley
Behn	Hahn	Johnson	Reynolds
Boettger	Hamerlinck	Kapucian	Seymour
Dandekar	Hartsuch	Kettering	Wieck

Absent, 2:

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

### WITHDRAWN

Senator Schoenjahn asked and received unanimous consent that **Senate File 2047** be **withdrawn** from further consideration of the Senate.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2030** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:00 p.m. until 8:45 a.m., Wednesday, January 20, 2010.



**APPENDIX—2**

**CERTIFICATE OF RECOGNITION**

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

Sister Tess Engel, Holy Trinity Parish—In appreciation for serving as Chaplain of the Day in the Iowa Senate. Senator Beall (1/19/10).

**REPORT OF COMMITTEE MEETING**

**HUMAN RESOURCES**

**Convened:** Tuesday, January 19, 2010, 4:00 p.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by the Department of Human Services.

**Adjourned:** 5:10 p.m.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 2059**

STATE GOVERNMENT: Black, Chair; Feenstra and Horn

**SSB 3092**

HUMAN RESOURCES: Ragan, Chair; Bolkcom and Johnson

**SSB 3093**

HUMAN RESOURCES: Ragan, Chair; Schmitz and Johnson

**SSB 3094**

JUDICIARY: Kreiman, Chair; Hancock and Ward

**SSB 3095**

JUDICIARY: Hogg, Chair; Fraise and Zaun

**SSB 3096**

REBUILD IOWA: Heckroth, Chair; Dandekar and Feenstra

**SSB 3097**

REBUILD IOWA: Hogg, Chair; Horn and Feenstra

**SSB 3098**

REBUILD IOWA: Hogg, Chair; Jochum and Houser

**SSB 3099**

EDUCATION: Heckroth, Chair; Beall and Feenstra

**STUDY BILLS RECEIVED****SSB 3083      Human Resources**

To allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses.

**SSB 3084      Human Resources**

Relating to benefit coverage for medication therapy management.

**SSB 3085      Human Resources**

Relating to the practice of chronic interventional pain medicine and providing a penalty.

**SSB 3086      Human Resources**

Relating to the renewal of the family planning network waiver under the medical assistance program.

**SSB 3087      Judiciary**

Relating to the wearing of an alcohol monitoring device as a condition of probation for certain operating-while-intoxicated and related offenses.

**SSB 3088      Rebuild Iowa**

Relating to emergency preparedness for assisted living programs and elder group homes.

**SSB 3089      Rebuild Iowa**

Relating to disclosures concerning the availability of flood insurance and sewer back-up insurance coverage and flood damage to property being transferred.

**SSB 3090      Commerce**

Relating to various matters under the purview of the insurance division of the department of commerce including the Iowa grain indemnity fund board, uniform securities Act, examination of insurance companies, life insurance companies and associations, external review of health care coverage decisions, insurance other than life, mortgage guaranty insurance, cemetery and funeral merchandise and funeral services, and regulation of cemeteries and making penalties applicable.

**SSB 3091      State Government**

Concerning the Iowa lottery authority relating to the awarding of prizes and providing a criminal penalty.

**SSB 3092      Human Resources**

Relating to Alzheimer's disease and related disorders and the role of the department of public health in collecting data concerning Alzheimer's disease and providing resources and services to persons suffering from the disease.

**SSB 3093      Human Resources**

An act Relating to measuring and improving the quality of care for stroke patients.

**SSB 3094      Judiciary**

Relating to judicial branch administration, child custody and visitation matters, and making appropriations.

**SSB 3095      Judiciary**

Relating to judgment liens on homesteads.

**SSB 3096      Rebuild Iowa**

Establishing smart planning principles, establishing guidelines for the adoption of certain comprehensive plans and land development regulations, and providing for the establishment of a smart planning task force.

**SSB 3097      Rebuild Iowa**

Relating to disaster recovery case management.

**SSB 3098      Rebuild Iowa**

Relating to flood plain management.

**SSB 3099      Education**

Relating to the resumption of tuition grant eligibility.

**FINAL COMMITTEE REPORT OF BILL ACTION****JUDICIARY**

**Bill Title:** HOUSE FILE 734 (HSB 261), a bill for an act relating to the uniform adult guardianship and protective proceedings Act relating to the establishment, transfer, and recognition of guardianships and conservatorships in multistate cases, and including effective date and applicability provisions.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5010.

**Final Vote:** Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Soddors, Ward, and Warnstadt. Nays, none. Absent, 1: Zaun.

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

## BILLS 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 bills have 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 19<sup>th</sup> day of January, 2010:

Senate Files 2045 and 2046.

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on January 15, 2010, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2033 – Relating to school improvement and the approval and revocation of charter schools, the establishment of innovation zone schools by consortia of school districts and area education agencies, and the implementation of interventions for persistently lowest-achieving schools.

## AMENDMENTS FILED

S-5010	H.F.	734	Judiciary
S-5011	H.F.	2030	Paul McKinley Merlin Bartz Nancy J. Boettger Shawn Hamerlinck
S-5012	H.F.	2030	Merlin Bartz

# JOURNAL OF THE SENATE

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TENTH CALENDAR DAY  
SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, January 20, 2010

The Senate met in regular session at 8:53 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Daryl Beall, member of the Senate from Webster County, Fort Dodge, Iowa.

The Journal of Tuesday, January 19, 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 9:00 a.m., President Kibbie presiding.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:02 a.m. until 8:45 a.m., Thursday, January 21, 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:

#### IOWA DEPARTMENT OF HUMAN RIGHTS

Progress Report on the Long-range Justice System Plan, pursuant to Iowa Code sections 216A.133 and 216A.137. Report received on January 19, 2010.

Iowa Sex Offender Research Council 2010 Report to the Iowa General Assembly, pursuant to 2005 Iowa Acts, HF 619. Report received on January 19, 2010.

### CERTIFICATES OF RECOGNITION

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

Ronny Fike—In honor of his retirement from John Deere after 36 years of service. Senator Dotzler (1/20/10).

Andrew Fliss, Everly—For achieving the rank of Eagle Scout, Troop 121. Senator Johnson (1/20/10).

Roger and Dorothy Goldsberry—For celebrating their 40<sup>th</sup> wedding anniversary. Senator Dotzler (1/20/10).

Brian and Connie Jaspen, Burlington—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Courtney (1/20/10).

Betty Kremer, Waterloo—For celebrating her 75<sup>th</sup> birthday. Senator Dotzler (1/20/10).

Betty Steege—In honor of her retirement. Senator Dotzler (1/20/10).

### REPORTS OF COMMITTEE MEETINGS

#### ETHICS

**Convened:** Wednesday, January 20, 2010, 2:10 p.m.

**Members Present:** Kibbie, Chair; Dearden, Vice Chair; Fraise, Kettering, and McKinley.

**Members Absent:** Behn, Ranking Member (excused).

**Committee Business:** Approved SSB 3035, as amended.

**Adjourned:** 2:25 p.m.

## **RULES AND ADMINISTRATION**

**Convened:** Wednesday, January 20, 2010, 8:55 a.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Courtney, Danielson, Dearden, and Kettering.

**Members Absent:** McKinley, Ranking Member; Boettger, Dvorsky, Ragan, and Zaun (all excused).

**Committee Business:** Discussion of Governor's appointments. Discussion of access to Senate chamber for Governor's staff.

**Adjourned:** 9:00 a.m.

## **TRANSPORTATION**

**Convened:** Tuesday, January 19, 2010, 4:00 p.m.

**Members Present:** Rielly, Chair; Beall, Vice Chair; Noble, Ranking Member; Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, Reynolds, and Warnstadt.

**Members Absent:** McCoy and Zaun (both excused).

**Committee Business:** Joint meeting with House for presentations on graduated driver licensing for teenagers.

**Adjourned:** 4:45 p.m.

## **INTRODUCTION OF BILLS**

**Senate File 2062**, by committee on State Government, a bill for an act providing for a retirement incentive program for state employees and including effective date provisions.

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



**Senate File 2063**, by Ragan, a bill for an act relating to reimbursement for supported community living under the medical assistance home and community-based services waiver for intellectual disabilities.

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

**Senate File 2064**, by Dandekar, a bill for an act relating to the development and adoption of a student acceleration policy for advanced learners.

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

**Senate File 2065**, by Noble, a bill for an act relating to administration of a horizontal property regime.

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

**Senate File 2066**, by Jochum, a bill for an act providing for the establishment of a school district reorganization workgroup to redraw school district boundaries following the 2010 federal decennial census.

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

**Senate File 2067**, by committee on State Government, a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees and including effective date provisions.

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

**Senate File 2068**, by Jochum, a bill for an act relating to the use of genetic information and samples for genetic testing and providing for civil enforcement.

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

**Senate File 2069**, by Jochum, a bill for an act relating to the regulation of wetlands, mitigation of adverse impacts to wetlands, providing penalties and fees, and making an appropriation.

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

**Senate File 2070**, by Hatch, a bill for an act relating to the licensing of midwives and providing for a fee and a penalty, and including effective date provisions.

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

**Senate File 2071**, by Hatch, a bill for an act relating to prescription drug costs and practices and making penalties applicable.

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

**Senate File 2072**, by committee on Judiciary, a bill for an act relating to the detention of a person taken into immediate custody in an involuntary hospitalization proceeding and providing a penalty.

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

#### STUDY BILLS RECEIVED

#### **SSB 3100      Transportation**

Relating to pilot projects for electronic registration and titling of vehicles.

**SSB 3101      Agriculture**

Relating to grape and wine development by providing for the elimination of a commission, programs, and duties of the department of agriculture and land stewardship and providing for the transfer of unexpended and unobligated moneys.

**SSB 3102      Commerce**

Relating to certain coverage provisions contained in uninsured and underinsured motor vehicle insurance coverage.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2037**

COMMERCE: Dandekar, Chair; Kettering and McCoy

**Senate File 2055**

TRANSPORTATION: Beall, Chair; Heckroth and Reynolds

**Senate File 2056**

TRANSPORTATION: Danielson, Chair; Kapucian and McCoy

**Senate File 2060**

TRANSPORTATION: Rielly, Chair; Hancock and Reynolds

**SSB 3100**

TRANSPORTATION: Warnstadt, Chair; McCoy and Reynolds

**SSB 3101**

AGRICULTURE: Olive, Chair; Kapucian and Rielly

**SSB 3102**

COMMERCE: Olive, Chair; Rielly and Wieck

## FINAL COMMITTEE REPORTS OF BILL ACTION

### JUDICIARY

**Bill Title:** SENATE FILE 2072 (SSB 1136), a bill for an act relating to the detention of a person taken into immediate custody in an involuntary hospitalization proceeding and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Soddors, Ward, and Warnstadt. Nays, none. Absent, 1: Zaun.

**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 2072, and they were attached to the committee report.

### STATE GOVERNMENT

**Bill Title:** \*SENATE FILE 2062 (SSB 3002), a bill for an act providing for a retirement incentive program for state employees and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Appel, Kibbie, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, and Soddors. Nays, 5: Feenstra, Behn, Hartsuch, Seymour, and Wieck. 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 State Government Committee on Senate File 2062, and they were attached to the committee report.

### ALSO:

**Bill Title:** \*SENATE FILE 2067 (SSB 3006), a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Appel, Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Soddors, and Wieck. 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 State Government Committee on Senate File 2067, and they were attached to the committee report.

**BILLS SIGNED BY THE GOVERNOR**

A communication was received announcing that on January 20, 2010, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2045 – Delaying the establishment of the state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

Senate File 2046 – Delaying the establishment of the categorical state percent of growth for the budget year beginning July 1, 2011, for purposes of the state school foundation program, and including effective date provisions.

**APPOINTMENTS**

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNORTERM

ACCOUNTANCY EXAMINING BOARD (Sec. 542.4) Evelyn Rank, Clarinda	10/14/2009 – 04/30/2012
COMMISSION ON THE STATUS OF AFRICAN-AMERICANS (Sec. 216A.142) Victoria Nwasike, Des Moines	11/23/2009 – 04/30/2012
BOARD OF ATHLETIC TRAINING (Sec. 147.14(1)(r)) Roger Huston, West Des Moines	09/08/2009 – 04/30/2012
IOWA AUTISM COUNCIL (Sec. 256.35A) Linda Louko, Iowa City	11/23/2009 – 04/30/2011
BOARD OF BEHAVIORAL SCIENCE (Sec. 147.14(1)(m)) Blaine Donaldson, Kingsley	10/14/2009 – 04/30/2012
BOARD OF CHIROPRACTIC (Sec. 147.14(1)(h)) Rex Jones, Spencer	08/14/2009 – 04/30/2011
IOWA STATE CIVIL RIGHTS COMMISSION (Sec. 216.3) Keith Johnson, Missouri Valley	10/14/2009 – 04/30/2013

PREVENTION OF DISABILITIES POLICY COUNCIL (Sec. 225B.3)	
Theresa Rasch, Spencer	09/08/2009 – 04/30/2011
DIRECTOR OF THE DEPARTMENT OF ECONOMIC DEVELOPMENT (Sec. 15.105)	
Bret Mills, Johnston	01/08/2010 – Pleasure of the Governor
STATE BOARD OF EDUCATION (Sec. 256.3)	
Ana Lopez-Dawson, Pella	10/14/2009 – 04/30/2012
ELECTRICAL EXAMINING BOARD (Sec. 103.2)	
Kay Pence, Eldridge	04/20/2009 – 04/30/2011
IOWA EMPOWERMENT BOARD (Sec 28.3)	
Mikeal Cass, Fontanelle	11/23/2009 – 04/30/2011
ENVIRONMENTAL PROTECTION COMMISSION (Sec. 455A.6)	
Carrie La Seur, Mount Vernon	05/01/2009 – 04/30/2013
Lorna Puntillo, Sioux City	08/14/2009 – 04/30/2013
EXECUTIVE DIRECTOR OF THE IOWA FINANCE AUTHORITY (Sec. 16.6)	
Joe O'Hern, Johnston	01/08/2010 – Pleasure of the Governor
GENERATION IOWA COMMISSION (Sec. 15.421)	
Khara Washington, Davenport	10/14/2009 – 04/30/2010
IOWA GREAT PLACES BOARD (Sec. 303.3C(2a))	
Ruth Smith, Lamoni	05/01/2009 – 04/30/2012
DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES (Sec. 217.5)	
Charles J. Krogmeier, Coralville	05/01/2009 – Pleasure of the Governor
COUNCIL ON HUMAN SERVICES (Sec. 217.2)	
Phyllis Hansell, Des Moines	10/14/2009 – 04/30/2015
INTERIOR DESIGN EXAMINING BOARD (Sec. 544C.2)	
Michele Rosenboom, Orange City	11/23/2009 – 04/30/2010
IOWACCESS ADVISORY COUNCIL (Sec. 8A.221)	
Herb Copley, Clear Lake	04/20/2009 – 04/30/2010
COMMISSION ON THE STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER HERITAGE (Sec. 216A.152)	
Ning Chia, Pella	11/23/2009 – 04/30/2012
Arlene Samona, Mason City	11/23/2009 – 04/30/2012
IOWA JOBS BOARD (Sec. 16.191)	
Patrick Baird, Cedar Rapids	05/26/2009 – 04/30/2012
Willard Boyd, Iowa City	05/26/2009 – 04/30/2011
Joni Dittmer, Eldridge	05/26/2009 – 04/30/2011
Kate Gronstal, Council Bluffs	05/26/2009 – 04/30/2010
Jeffrey Pomeranz, West Des Moines	05/26/2009 – 04/30/2012
Toi Sullivan, Sioux City	05/26/2009 – 04/30/2010

BOARD OF MASSAGE THERAPY (Sec. 147.14(1)(q))	
William Cameron, Bettendorf	11/23/2009 – 04/30/2011
Bonni Leiserowitz, Council Bluffs	09/08/2009 – 04/30/2011
NATURAL RESOURCE COMMISSION (Sec. 455A.5)	
Dennis Schemmel, Grimes	10/14/2009 – 04/30/2015
Margo Underwood, Mason City	10/14/2009 – 04/30/2011
BOARD OF NURSING HOME ADMINISTRATORS (Sec. 155.2)	
Mabel Mantel, Orange City	10/14/2009 – 04/30/2012
IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUNK BOARD (Sec. 455G.4)	
Eric Johnson, Waterloo	08/14/2009 – 04/30/2013
PLUMBING AND MECHANICAL SYSTEMS EXAMINING BOARD (Sec. 105.3)	
Brita Van Horne, Cedar Rapids	10/14/2009 – 04/30/2010
IOWA POWER FUND BOARD (Sec. 469.6)	
Shearon Elderkin, Cedar Rapids	05/01/2009 – 04/30/2012
CHAIR OF THE PROPERTY ASSESSMENT APPEAL BOARD (Sec. 421.1A)	
Karen Oberman, Clive	05/01/2009 – 04/30/2011
PROPERTY ASSESSMENT APPEAL BOARD (Sec. 421.1A)	
Karen Oberman, Clive	05/01/2009 – 04/30/2015
STATE PUBLIC DEFENDER (Sec. 13B.2)	
Tomas Rodriguez, Des Moines	05/15/2009 – Pleasure of the Governor
SMALL BUSINESS ADVISORY COUNCIL (Sec. 15.108(7)(h)(1))	
Nancy Kasperek, Marion	08/14/2009 – 04/30/2013
BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY (Sec. 147.14(1)(i))	
J. Michael Tysklind, West Des Moines	09/08/2009 – 04/30/2012
TECHNOLOGY GOVERNANCE BOARD (Sec. 8A.204)	
Glynis Coutee, Cedar Rapids	09/08/2009 – 04/30/2011
COMMISSION ON THE STATUS OF WOMEN (Sec. 216A.52)	
Joan Axel, Muscatine	11/23/2009 – 04/30/2010
IOWA WORKFORCE DEVELOPMENT BOARD (Sec. 84A.1A)	
Deborah Groene, Des Moines	04/20/2009 – 04/30/2010

The appointments were referred to the committee on Rules and Administration.

## REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on January 20, 2010:

### **ECONOMIC GROWTH**

Bret Mills – Director of the Department of Economic Development

Ruth Smith – Iowa Great Places Board

Patrick Baird – Iowa Jobs Board

Willard Boyd – Iowa Jobs Board

Joni Dittmer – Iowa Jobs Board

Kate Gronstal – Iowa Jobs Board

Jeffrey Pomeranz – Iowa Jobs Board

Toi Sullivan – Iowa Jobs Board

Shearon Elderkin – Iowa Power Fund Board

Nancy Kasparek – Small Business Advisory Council

### **EDUCATION**

Linda Louko – Iowa Autism Council

Ana Lopez-Dawson – State Board of Education

Mikeal Cass – Iowa Empowerment Board

Glynis Coutee – Technology Governance Board

### **ENVIRONMENT AND ENERGY INDEPENDENCE**

Carrie La Seur – Environmental Protection Commission

Lorna Puntillo – Environmental Protection Commission

Eric Johnson – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

### **HUMAN RESOURCES**

Roger Huston – Board of Athletic Training

Blaine Donaldson – Board of Behavioral Science

Theresa Rasch – Prevention of Disabilities Policy Council



Charles J. Krogmeier – Director of the Department of Human Services

Phyllis Hansell – Council on Human Services

**JUDICIARY**

Keith Johnson – Iowa State Civil Rights Commission

Tomas Rodriguez – State Public Defender

**LABOR AND BUSINESS RELATIONS**

Brita Van Horne – Plumbing and Mechanical Systems Examining Board

Deborah Groene – Iowa Workforce Development Board

**LOCAL GOVERNMENT**

Karen Oberman – Chair of the Property Assessment Appeal Board

Karen Oberman – Property Assessment Appeal Board

**NATURAL RESOURCES**

Dennis Schemmel – Natural Resource Commission

Margo Underwood – Natural Resource Commission

**STATE GOVERNMENT**

Evelyn Rank – Accountancy Examining Board

Victoria Nwasike – Commission on the Status of African-Americans

Rex Jones – Board of Chiropractic

Kay Pence – Electrical Examining Board

Khara Washington – Generation Iowa Commission

Michele Rosenboom – Interior Design Examining Board

Herb Copley – IowAccess Advisory Council

Ning Chia – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Arlene Samona – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

William Cameron – Board of Massage Therapy

Bonni Leiserowitz – Board of Massage Therapy

Mabel Mantel – Board of Nursing Home Administrators

J. Michael Tysklind – Board of Speech Pathology and Audiology

Joan Axel – Commission on the Status of Women

**WAYS AND MEANS**

Joe O'Hern – Executive Director of the Iowa Finance Authority

**AMENDMENT FILED**

S-5013      S.F.      2062      Staci Appel

# JOURNAL OF THE SENATE

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ELEVENTH CALENDAR DAY  
EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, January 21, 2010

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

Prayer was offered by Reverend Angela Doty, chaplain of the Iowa Veterans Home in Marshalltown, Iowa. She was the guest of Senator Sodders.

The Journal of Wednesday, January 20, 2010, was approved.

The Senate stood at ease at 8:52 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.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 9:59 a.m. until 11:30 a.m.

## RECONVENED

The Senate reconvened at 11:37 a.m., President Kibbie presiding.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kreiman, until he arrives, on request of Senator Ragan; and Senator Bartz, until he returns, on request of Senator McKinley.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2062.

**Senate File 2062**

On motion of Senator Appel, **Senate File 2062**, a bill for an act providing for a retirement incentive program for state employees and including effective date provisions, was taken up for consideration.

Senator Hartsuch offered amendment S-5014, filed by Senator Hartsuch, et al., from the floor to pages 1 and 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5014 be adopted?" (S.F. 2062), the vote was:

Yeas, 17:

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

Nays, 31:

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

Absent, 2:

Bartz	Kreiman
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Amendment S-5014 lost.

Senator Feenstra offered amendment S-5015, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5015 be adopted?" (S.F. 2062), the vote was:

Yeas, 18:

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

Nays, 30:

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

Absent, 2:

Bartz	Kreiman
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Amendment S-5015 lost.

Senator Appel offered amendment S-5013, filed by her on January 20, 2010, to page 2 of the bill, and moved its adoption.

Amendment S-5013 was adopted by a voice vote.

Senator Appel 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. 2062), the vote was:

Yeas, 41:

Appel	Gronstal	Kettering	Seng
Beall	Hamerlinck	Kibbie	Seymour
Black	Hancock	McCoy	Sodders

Bolkcom	Hatch	Noble	Stewart
Courtney	Heckroth	Olive	Ward
Dandekar	Hogg	Quirnbach	Warnstadt
Danielson	Horn	Ragan	Wilhelm
Dearden	Houser	Reynolds	Zaun
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	
Fraise	Kapucian	Schoenjahn	

Nays, 7:

Behn	Feenstra	Hartsuch	Wieck
Boettger	Hahn	McKinley	

Absent, 2:

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

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2062** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 11:56 a.m. until 1:00 p.m., Monday, January 25, 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:

#### BOARD OF REGENTS

FY 2009 Annual Report on the Beginning Farmer Center at Iowa State University, pursuant to Iowa Code section 266.39E. Report received on January 21, 2010.

#### AGENCY ICN REPORT

An Iowa Communications Network (ICN) usage report for FY 2009, pursuant to Iowa Code section 8D.10, was received from the following agency:

DEPARTMENT OF PUBLIC HEALTH – Report received on January 21, 2010.

### CERTIFICATE OF RECOGNITION

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

Tom O'Rourke—In honor of his retirement from the Black Hawk County Health Department. Senator Dotzler (1/21/10).

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** Thursday, January 21, 2010, 1:05 p.m.

**Members Present:** Warnstadt, Chair; Wieck, Ranking Member; Behn, Bolkcom, Courtney, Dandekar, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward.

**Members Absent:** Heckroth, Vice Chair; and Hartsuch (both excused).

**Committee Business:** Approved SSBs 3017 and 3020.

**Adjourned:** 1:10 p.m.

**STATE GOVERNMENT**

**Convened:** Wednesday, January 20, 2010, 4:35 p.m.

**Members Present:** Appel, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck.

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

**Committee Business:** Approved SSB 3030, as amended.

**Recessed:** 6:15 p.m.

**Reconvened:** 6:20 p.m.

**Adjourned:** 6:35 p.m.

**WAYS AND MEANS**

**Convened:** Wednesday, January 20, 2010, 3:05 p.m.

**Members Present:** Bolkcom, Chair; Bartz, Dandekar, Dotzler, Hogg, Houser, Jochum, Schmitz, Seng, Stewart, Ward, and Wilhelm.

**Members Absent:** McCoy, Vice Chair; Zaun, Ranking Member; Feenstra, Hamerlinck, and Quirnbach (all excused).

**Committee Business:** Presentations by the Legislative Services Agency and the Department of Revenue.

**Adjourned:** 4:00 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** Thursday, January 21, 2010, 10:15 a.m.

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

**Members Absent:** Heckroth, Vice Chair (excused).

**Committee Business:** Presentation by the Legislative Services Agency, Fiscal Services Division.

**Adjourned:** 10:45 a.m.



**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** Thursday, January 21, 2010, 10:20 a.m.

**Members Present:** Schoenjahn, Chair; Quirnbach, Vice Chair; Boettger, Ranking Member; Feenstra and Horn.

**Members Absent:** None.

**Committee Business:** Presentation by the Legislative Services Agency, Fiscal Services Division.

**Adjourned:** 11:10 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** Thursday, January 21, 2010, 10:20 a.m.

**Members Present:** Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Hartsuch and Schmitz.

**Members Absent:** None.

**Committee Business:** Update on Interim MH Workgroup, discussed Reorganization Bill, and reviewed 2010 base budget.

**Adjourned:** 11:25 a.m.

**STUDY BILLS RECEIVED****SSB 3103      Human Resources**

Relating to health care facilities and programs, including hospital inspector requirements, the hospital licensing board, and dependent adult abuse.

**SSB 3104      Human Resources**

Relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly.

**SSB 3105      Judiciary**

Relating to the confinement of persons committed to the custody of the department of corrections at a jail.

**SSB 3106      Judiciary**

Modifying the definition of assault.

**SSB 3107      Judiciary**

Relating to eluding or attempting to elude a marked law enforcement vehicle, and providing a penalty.

**SSB 3108      Judiciary**

An act relating to the rights of a donee created by an anatomical gift.

**SSB 3109      Judiciary**

Relating to the issuance of a protective order or approval of a consent agreement in a domestic abuse case and providing for a study.

**SSB 3110      Judiciary**

Relating to conducting court hearings by video conference.

**SSB 3111      Judiciary**

Relating to mediation in domestic relations actions.

**SSB 3112      Ways and Means**

Relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, moneys and credits tax, insurance premiums tax, sales and use taxes, fees for new vehicle registration, franchise fees, and the environmental protection charge, making penalties applicable, and including retroactive applicability provisions.

**SSB 3113      Transportation**

Relating to the regulation of motor vehicle franchises.

**SSB 3114      Environment and Energy Independence**

Relating to the utilization of energy by authorizing the establishment of an energy finance program to finance certain energy improvements, and providing a penalty.

**SSB 3115      Environment and Energy Independence**

Regarding matters under the purview of the department of natural resources.

**SSB 3116      Environment and Energy Independence**

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.

**SSB 3117      State Government**

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.

**SSB 3118      Veterans Affairs**

Providing for representation of military veterans on certain mental health policy bodies.

**SUBCOMMITTEE ASSIGNMENTS****Senate Joint Resolution 2001**

RULES AND ADMINISTRATION: Gronstal, Chair; Boettger and Dearden

**Senate File 2010**

EDUCATION: Schoenjahn, Chair; Heckroth and Johnson

**Senate File 2030**

ENVIRONMENT AND ENERGY INDEPENDENCE: Hogg, Chair; Behn and Rielly

**Senate File 2054**

ENVIRONMENT AND ENERGY INDEPENDENCE: Wilhelm, Chair; Hartsuch and Stewart

**Senate File 2057**

ENVIRONMENT AND ENERGY INDEPENDENCE: Hancock, Chair; Bolkcom and Ward

**Senate File 2058**

EDUCATION: Heckroth, Chair; Feenstra and Schoenjahn

**Senate File 2061**

COMMERCE: McCoy, Chair; Rielly and Wieck

**Senate File 2068**

STATE GOVERNMENT: Jochum, Chair; Hatch and Seymour

**SSB 3103**

HUMAN RESOURCES: Dotzler, Chair; Kreiman and Seymour

**SSB 3104**

HUMAN RESOURCES: Schmitz, Chair; Boettger and Kreiman

**SSB 3105**

JUDICIARY: Kreiman, Chair; Warnstadt and Noble

**SSB 3106**

JUDICIARY: Kreiman, Chair; Sodders and Ward

**SSB 3107**

JUDICIARY: Kreiman, Chair; Noble and Sodders

**SSB 3108**

JUDICIARY: Schoenjahn, Chair; Horn and Zaun

**SSB 3109**

JUDICIARY: Kreiman, Chair; Boettger and Jochum

**SSB 3110**

JUDICIARY: Kreiman, Chair; Hogg and Kettering

**SSB 3111**

JUDICIARY: Kreiman, Chair; Boettger and Jochum

**SSB 3112**

WAYS AND MEANS: Jochum, Chair; Hamerlinck and Wilhelm

**SSB 3113**

TRANSPORTATION: Dandekar, Chair; Beall and Zaun

**SSB 3114**

ENVIRONMENT AND ENERGY INDEPENDENCE: Bolkcom, Chair; Hogg and Reynolds

**SSB 3115**

ENVIRONMENT AND ENERGY INDEPENDENCE: Black, Chair; Behn and Wilhelm

**SSB 3116**

ENVIRONMENT AND ENERGY INDEPENDENCE: Hancock, Chair; Rielly and Reynolds

**SSB 3117**

STATE GOVERNMENT: Sodders, Chair; Appel and Behn

**SSB 3118**

VETERANS AFFAIRS: Warnstadt, Chair; Beall and Seymour

**EXPLANATION OF VOTE**

MR. PRESIDENT: I was necessarily absent from the Senate chamber to attend an MH/MR/DD/BI Commission meeting on January 21, 2010, when the vote was taken on Senate File 2062. Had I been present, I would have voted "Nay."

MERLIN BARTZ

## APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on January 21, 2010, to investigate the appointment and reappointment of the following appointees:

### **ECONOMIC GROWTH**

As Director of the Department of Economic Development:

BRET MILLS – Stewart, Chair; Olive and Houser

As a member of the Iowa Great Places Board:

RUTH SMITH – Schmitz, Chair; Heckroth and Reynolds

As members of the Iowa Jobs Board:

PATRICK BAIRD – Heckroth, Chair; Beall and Kapucian  
WILLARD BOYD – Hatch, Chair; Dandekar and Kapucian  
JONI DITTMER – Wilhelm, Chair; Schmitz and Hamerlinck  
KATE GRONSTAL – Dotzler, Chair; Olive and Houser  
JEFFREY POMERANZ – Olive, Chair; Hatch and Wieck  
TOI SULLIVAN – Beall, Chair; Wilhelm and Wieck

As a member of the Iowa Power Fund Board:

SHEARON ELDERKIN – Dandekar, Chair; Schmitz and Kapucian

As a member of the Small Business Advisory Council:

NANCY KASPAREK – Rielly, Chair; Dotzler and Kapucian

### **EDUCATION**

As a member of the Iowa Autism Council:

LINDA LOUKO – Schmitz, Chair; Kreiman and Hamerlinck

As a member of the State Board of Education:

ANA LOPEZ-DAWSON – Beall, Chair; Quirnbach and Johnson

As a member of the Iowa Empowerment Board:

MIKEAL CASS – Boettger, Chair; Wilhelm and Sadders

As a member of the Technology Governance Board:

GLYNIS COUTEE – Dvorsky, Chair; Heckroth and McKinley

### **ENVIRONMENT AND ENERGY INDEPENDENCE**

As members of the Environmental Protection Commission:

CARRIE LA SEUR – Black, Chair; Hancock and Hartsuch

LORNA PUNTILLO – Ward, Chair; Rielly and Stewart

As a member of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board:

ERIC JOHNSON – Hogg, Chair; Hancock and Behn

### **HUMAN RESOURCES**

As a member of the Board of Athletic Training:

ROGER HUSTON – Quirnbach, Chair; Ragan and Bartz

As a member of the Board of Behavioral Science:

BLAINE DONALDSON – Schmitz, Chair; Hatch and Boettger

As a member of the Prevention of Disabilities Policy Council:

THERESA RASCH – Wilhelm, Chair; Bolkcom and Hartsuch

As Director of the Department of Human Services:

CHARLES J. KROGMEIER – Ragan, Chair; Hatch and Johnson

As a member of the Council on Human Services:

PHYLLIS HANSELL – Schmitz, Chair; Dotzler and Seymour

### **JUDICIARY**

As a member of the Iowa Civil Rights Commission:

KEITH JOHNSON – Jochum, Chair; Kreiman and Ward

As State Public Defender:

TOMAS RODRIGUEZ – Hogg, Chair; Kreiman and Ward

**LABOR AND BUSINESS RELATIONS**

As a member of the Plumbing and Mechanical Systems Examining Board:

BRITA VAN HORNE – Horn, Chair; Dotzler and Houser

As a member of the Iowa Workforce Development Board:

DEBORAH GROENE – Hatch, Chair; Dearden and Ward

**LOCAL GOVERNMENT**

As Chair of the Property Assessment Appeal Board:

KAREN OBERMAN – Quirmbach, Chair; Kreiman and Reynolds

As a member of the Property Assessment Appeal Board:

KAREN OBERMAN – Quirmbach, Chair; Kreiman and Reynolds

**NATURAL RESOURCES**

As members of the Natural Resource Commission:

DENNIS SCHEMMEL – Ragan, Chair; Schoenjahn and Hahn

MARGO UNDERWOOD – Seng, Chair; Fraise and Hahn

**STATE GOVERNMENT**

As a member of the Accountancy Examining Board:

EVELYN RANK – Horn, Chair; Black and Seymour

As a member of the Commission on the Status of African-Americans:

VICTORIA NWASIKE – Horn, Chair; Black and Seymour

As a member of the Board of Chiropractic:

REX JONES – Horn, Chair; Black and Seymour

As a member of the Electrical Examining Board:

KAY PENCE – Horn, Chair; Black and Seymour

As a member of the Generation Iowa Commission:

KHARA WASHINGTON – Black, Chair; Horn and Behn

As a member of the Interior Design Examining Board:

MICHELE ROSENBOOM – Black, Chair; Horn and Behn



As a member of the IowAccess Advisory Council:

HERB COPLEY – Black, Chair; Horn and Behn

As members of the Commission on the Status of Iowans of Asian and Pacific Islander Heritage:

NING CHIA – Dearden, Chair; Courtney and Hartsuch

ARLENE SAMONA – Dearden, Chair; Courtney and Hartsuch

As members of the Board of Massage Therapy:

WILLIAM CAMERON – Dearden, Chair; Courtney and Hartsuch

BONNI LEISEROWITZ – Dearden, Chair; Courtney and Hartsuch

As a member of the Board of Nursing Home Administrators:

MABEL MANTEL – Courtney, Chair; Dearden and Feenstra

As a member of the Board of Speech Pathology and Audiology:

J. MICHAEL TYSKLIND – Courtney, Chair; Dearden and Feenstra

As a member of the Commission on the Status of Women:

JOAN AXEL – Courtney, Chair; Dearden and Feenstra

**WAYS AND MEANS**

As Executive Director of the Iowa Finance Authority:

JOE O'HERN – Stewart, Chair; Dotzler and Feenstra

**AMENDMENTS FILED**

S-5014	S.F.	2062	David Hartsuch Jerry Behn Paul McKinley Steve Kettering Brad Zaun Nancy J. Boettger Kim Reynolds Tim L. Kapucian David Johnson Larry Noble James F. Hahn Hubert Houser Randy Feenstra
S-5015	S.F.	2062	Randy Feenstra

# JOURNAL OF THE SENATE

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FIFTEENTH CALENDAR DAY  
NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, January 25, 2010

The Senate met in regular session at 1:05 p.m., President Kibbie presiding.

Prayer was offered by Father Richard Adam, priest of St. Mary's Church in Riverside, Iowa. He was the guest of Senator Schmitz.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Bailey Bishop.

The Journal of Thursday, January 21, 2010, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser and Kettering, until they arrive, on request of Senator McKinley; and Senator Warnstadt, until he arrives, on request of Senator Beall.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:10 p.m. until 8:45 a.m., Tuesday, January 26, 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

Report on Community College Accreditation and Accountability, pursuant to 2008 Iowa Acts, HF 2679. Report received on January 22, 2010.

#### DEPARTMENT OF COMMERCE (INSURANCE DIVISION)

2010 Annual Consumer Advocate Bureau Report, pursuant to Iowa Code section 505.8(6)(g). Report received on January 13, 2010.

#### DEPARTMENT OF TRANSPORTATION

FY 2009 Recycled Content Plastic Bag and Soy Inks Report, pursuant to Iowa Code section 307.21. Report received on January 22, 2010.

FY 2009 Annual Report of the Iowa Highway Research Board, pursuant to Iowa Code sections 310.36 and 312.3A. Report received on January 22, 2010.

### REPORTS OF COMMITTEE MEETINGS

#### ECONOMIC GROWTH

**Convened:** Thursday, January 21, 2010, 3:50 p.m.

**Members Present:** Stewart, Chair; Olive, Vice Chair; Houser, Ranking Member; Beall, Dotzler, Hatch, Kapucian, Reynolds, Rielly, Schmitz, and Wilhelm.

**Members Absent:** Dandekar, Hamerlinck, Heckroth, and Wieck (all excused).

**Committee Business:** Governor's appointees. Approved SSB 3062, as amended. Presentation by the Iowa Fund of Funds.

**Adjourned:** 4:55 p.m.

#### GOVERNMENT OVERSIGHT

**Convened:** Thursday, January 21, 2010, 10:15 a.m.

**Members Present:** Olive, Chair; Courtney, Vice Chair; Soddors and Wieck.

**Members Absent:** Ward, Ranking Member (excused).

**Committee Business:** Presentations by the Department of Aging and the Department of Inspections and Appeals.

**Adjourned:** 11:05 a.m.

## **JUDICIARY**

**Convened:** Monday, January 25, 2010, 3:05 p.m.

**Members Present:** Kreiman, Chair; Hogg, Vice Chair; Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Soddors, Ward, and Zaun.

**Members Absent:** Kettering, Ranking Member; and Warnstadt (both excused).

**Committee Business:** Passed SF 2027 and approved SSBs 3008, 3029, 3037, and 3038.

**Adjourned:** 3:40 p.m.

## **NATURAL RESOURCES**

**Convened:** Monday, January 11, 2010, 3:35 p.m.

**Members Present:** Dearden, Chair; Hancock, Vice Chair; Hahn, Ranking Member; Bartz, Bolkcom, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng.

**Members Absent:** Black and Fraise (both excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 3:45 p.m.

## **STATE GOVERNMENT**

**Convened:** Monday, January 11, 2010, 2:30 p.m.

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

**Members Absent:** Black and Courtney (both excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 2:40 p.m.

## **VETERANS AFFAIRS**

**Convened:** Thursday, January 14, 2010, 11:10 a.m.

**Members Present:** Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Black, Danielson, Hartsuch, Noble, Ragan, and Sodders.

**Members Absent:** Kibbie and Wieck (both excused).

**Committee Business:** Introductions.

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

#### APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

**Convened:** Thursday, January 21, 2010, 10:25 a.m.

**Members Present:** Hancock, Chair; Hogg, Vice Chair; Noble, Ranking Member; Fraise and Zaun.

**Members Absent:** None.

**Committee Business:** Budget presentation by the State Court Administrator.

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

#### INTRODUCTION OF BILLS

**Senate File 2073**, by committee on Commerce, a bill for an act relating to the practice of accounting and to the organization and operation of the licensing boards included within the professional licensure and regulation bureau of the banking division in the department of commerce.

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

**Senate File 2074**, by committee on Ethics, a bill for an act relating to ethics laws by establishing disclosure requirements, providing jurisdictional authority, and allowing certain procedures in resolving ethics complaints, and including effective date provisions.

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

**Senate File 2075**, by committee on Commerce, a bill for an act requiring reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances and providing an applicability date.

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

**Senate File 2076**, by committee on Economic Growth, a bill for an act relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions.

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

**Senate File 2077**, by Sodders, a bill for an act relating to the use of a wireless telecommunications device to write, send, or read a text-based communication while operating a motor vehicle and making penalties applicable.

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

**Senate File 2078**, by Sodders, a bill for an act relating to applications for major air contaminant sources regulated by the department of natural resources by providing for public participation.

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

**Senate File 2079**, by Sodders, a bill for an act relating to body piercing, body modification, and tattooing, and providing penalties.

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

**Senate File 2080**, by Bolkcom, a bill for an act relating to energy conservation requirements contained within the state building code.

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

**Senate File 2081**, by Bolkcom, a bill for an act relating to application of fertilizer and pesticides to grass, providing penalties, and making appropriations.

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

**Senate File 2082**, by Appel, a bill for an act relating to the income tax checkoff for the child abuse prevention program fund and including retroactive applicability provisions.

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

**Senate File 2083**, by Johnson, a bill for an act relating to the use of public moneys by nongovernmental entities for lobbying purposes and making a penalty applicable.

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

**Senate File 2084**, by Johnson, a bill for an act authorizing persons who are relatives, friends, or neighbors to provide child care as unregistered child care home providers under certain circumstances.

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

**Senate File 2085**, by Beall and Kibbie, a bill for an act extending the time period for designating enterprise zones and including effective date provisions.

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

**Senate File 2086**, by Appel, a bill for an act relating to sex offender residency restrictions, and making penalties applicable.

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

**Senate File 2087**, by Beall, a bill for an act creating a brain injury services fund and task force, making appropriations from the fund, implementing a brain injury criminal surcharge, and making penalties applicable.

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

**Senate File 2088**, by committee on State Government, a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees, establishing fees and penalties, and providing effective and applicability provisions.

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

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 2039**

LOCAL GOVERNMENT: Olive, Chair; Hamerlinck and Rielly

### **Senate File 2051**

LOCAL GOVERNMENT: Quirnbach Chair; Beall and Kapucian

### **Senate File 2063**

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Ragan

## FINAL COMMITTEE REPORTS OF BILL ACTION

### **COMMERCE**

**Bill Title:** SENATE FILE 2073 (SSB 3017), a bill for an act relating to the practice of accounting and to the organization and operation of the licensing boards included within the professional licensure and regulation bureau of the banking division in the department of commerce.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Warnstadt, Wieck, Behn, Bolkcom, Courtney, Dandekar, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 2: Heckroth and Hartsuch.

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



**ALSO:**

**Bill Title:** SENATE FILE 2075 (SSB 3020), a bill for an act requiring reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances and providing an applicability date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Warnstadt, Wieck, Behn, Bolkcom, Courtney, Dandekar, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 2: Heckroth and Hartsuch.

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

**ECONOMIC GROWTH**

**Bill Title:** \*SENATE FILE 2076 (SSB 3062), a bill for an act relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Stewart, Olive, Houser, Beall, Hatch, Kapucian, Reynolds, Rielly, Schmitz, and Wilhelm. Nays, none. Absent, 5: Dandekar, Dotzler, Hamerlinck, Heckroth, and Wieck.

**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 Economic Growth Committee on Senate File 2076, and they were attached to the committee report.

**ETHICS**

**Bill Title:** \*SENATE FILE 2074 (SSB 3035), a bill for an act relating to ethics laws by establishing disclosure requirements, providing jurisdictional authority, and allowing certain procedures in resolving ethics complaints, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 5: Kibbie, Dearden, Fraise, Kettering, and McKinley. Nays, none. Absent, 1: Behn.

**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 Ethics Committee on Senate File 2074, and they were attached to the committee report.

**STATE GOVERNMENT**

**Bill Title:** \*SENATE FILE 2088 (SSB 3030), a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees, establishing fees and penalties, and providing effective and applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Appel, Kibbie, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, Soddors, Nays, 4: Feenstra, Hartsuch, Seymour, and Wieck. Absent, 1: Behn.

**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 State Government Committee on Senate File 2088, and they were attached to the committee report.

# JOURNAL OF THE SENATE

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SIXTEENTH CALENDAR DAY  
TENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, January 26, 2010

The Senate met in regular session at 8:49 a.m., President Kibbie presiding.

Prayer was offered by Candy Boucher, who sang “Amazing Grace”. She was the guest of Senator Jochum.

The Journal of Monday, January 25, 2010, was approved.

## 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 January 25, 2010, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 2075**, a bill for an act requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials and providing an applicability date.

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

## INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Joe O'Hern, the governor's appointee to be the Executive Director of the Iowa Finance Authority. He was the guest of Senator Stewart and the committee on Ways and Means.

## BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2088** be referred from the Regular Calendar to the committee on **Appropriations**.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:56 a.m. until 8:45 a.m., Wednesday, January 27, 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:

#### BOARD OF REGENTS

Annual Reports on Affirmative Action, Minority and Women Educators Enhancement Program, and Affirmative Action Costs, pursuant to Iowa Code sections 19B.5(3) and 262.93. Reports received on January 26, 2010.

#### ENVIRONMENTAL PROTECTION COMMISSION

2009 Annual Report and Recommendations, pursuant to Iowa Code section 455B.105(5). Report received on January 26, 2010.

### CERTIFICATES OF RECOGNITION

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

Ray and Vicki Clayton, Dexter—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Boettger (1/26/10).

Raymond and Iva Mae Howard, Menlo—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Boettger (1/26/10).

Max and Phyllis Klindt, Avoca—For celebrating their 60<sup>th</sup> wedding anniversary. Senator Boettger (1/26/10).

Bob and Mona Powers, Exira—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Boettger (1/26/10).

Orville Townsend, Iowa City—In honor of his retirement after 42 years of service with Iowa Vocational Rehabilitation. Senator Dvorsky (1/26/10).

## REPORTS OF COMMITTEE MEETINGS

### ECONOMIC GROWTH

**Convened:** Tuesday, January 26, 2010, 1:10 p.m.

**Members Present:** Stewart, Chair; Olive, Vice Chair; Houser, Ranking Member; Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Kapucian, Reynolds, Rielly, Schmitz, and Wilhelm.

**Members Absent:** Heckroth and Wieck (both excused).

**Committee Business:** Confirmation of governor's appointee. Presentations by the Office of Energy Independence and the Iowa Power Fund Board.

**Adjourned:** 1:45 p.m.

### HUMAN RESOURCES

**Convened:** Tuesday, January 26, 2010, 2:00 p.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by the Iowa Policy Project. Approved SSB 3083.

**Adjourned:** 3:00 p.m.

### LOCAL GOVERNMENT

**Convened:** Monday, January 25, 2010, 2:10 p.m.

**Members Present:** Quirnbach, Chair; Beall, Vice Chair; Reynolds, Ranking Member; Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn.

**Members Absent:** Hamerlinck and Houser (both excused).

**Committee Business:** Guest presentations.

**Adjourned:** 2:45 p.m.

**TRANSPORTATION**

**Convened:** Tuesday, January 26, 2010, 2:05 p.m.

**Members Present:** Rielly, Chair; Beall, Vice Chair; Noble, Ranking Member; Dandekar, Danielson, Hahn, Hancock, Kapucian, Warnstadt, and Zaun.

**Members Absent:** Heckroth, McCoy, and Reynolds (all excused).

**Committee Business:** Presentations on distracted driving.

**Adjourned:** 3:10 p.m.

**WAYS AND MEANS**

**Convened:** Monday, January 25, 2010, 4:00 p.m.

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

**Members Absent:** McCoy, Vice Chair; and Houser (both excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 4:35 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** Tuesday, January 26, 2010, 10:10 a.m.

**Members Present:** Danielson, Chair; Jochum, Vice Chair; Bartz, Ranking Member; and Kreiman.

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

**Committee Business:** Presentations by the Alcohol and Beverage Division and the Department of Human Rights.

**Adjourned:** 11:15 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** Tuesday, January 26, 2010, 10:10 a.m.

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

**Members Absent:** Heckroth, Vice Chair; and Dandekar (both excused).

**Committee Business:** Presentations by PERB and DCA.

**Adjourned:** 11:10 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

**Convened:** Tuesday, January 26, 2010, 10:15 a.m.

**Members Present:** Hancock, Chair; Hogg, Vice Chair; Noble, Ranking Member; Fraise and Zaun.

**Members Absent:** None.

**Committee Business:** Presentations by the Civil Rights Commission, the Department of Public Defense, and Homeland Security and Emergency Management.

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

#### INTRODUCTION OF RESOLUTION

**Senate Joint Resolution 2002**, by Wilhelm, a joint resolution relating to the placement of a statue in the United States capitol honoring Dr. Norman Borlaug.

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

#### INTRODUCTION OF BILLS

**Senate File 2089**, by Dvorsky, a bill for an act making the advertising and conducting of certain live music performances or productions under specified circumstances an unlawful practice, and making penalties applicable.

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

**Senate File 2090**, by Dvorsky, a bill for an act relating to lead wheel weights on state-owned motor vehicles.

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

**Senate File 2091**, by Schoenjahn, a bill for an act concerning the manufacture and sale of native beer.

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

**Senate File 2092**, by Hatch, Dearden, Kibbie, Beall, Ragan, Bolkom, Gronstal, Fraise, Black, Jochum, Stewart, Schmitz, Danielson, Dotzler, Heckroth, Warnstadt, Horn, Seng, Quirnbach, McCoy, Wilhelm, Hogg, Dvorsky, Kreiman, Schoenjahn, and Soddors, a bill for an act relating to health reform in Iowa by creating an IowaCare plus program and an Iowa choice exchange.

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

**Senate File 2093**, by Schmitz, Ragan, Beall, Heckroth, Dvorsky, Horn, Seng, Quirnbach, Hatch, Dearden, Fraise, Gronstal, Kibbie, Black, Jochum, Bolkom, and Dandekar, a bill for an act providing for standardized provisions and format and a consumer guide for long-term care insurance policies and including applicability provisions.

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

**Senate File 2094**, by Beall, Ragan, Schmitz, Horn, Seng, Olive, Quirnbach, Hatch, Appel, Courtney, Gronstal, Kibbie, Black, Jochum, Stewart, and Dandekar, a bill for an act relating to the annual adjustment of the personal needs allowance for residents of certain institutional health facilities.

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

**Senate File 2095**, by committee on Judiciary, a bill for an act relating to the authority of a certified law enforcement officer.

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



**Senate File 2096**, by committee on Judiciary, a bill for an act relating to marital agreements, and including effective date and applicability provisions.

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

**Senate File 2097**, by Zaun, Boettger, Bartz, Reynolds, Kapucian, Johnson, Noble, Ward, Hartsuch, Seymour, Behn, McKinley, Kettering, Houser, Hamerlinck, Hahn, Feenstra, and Wieck, a bill for an act relating to unfunded federal mandates related to federal health care reforms and including effective date provisions.

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

**Senate File 2098**, by Quirmbach, Schmitz, Ragan, Beall, Heckroth, Horn, Seng, Dearden, Hatch, Olive, Courtney, Kibbie, Black, Jochum, Bolkcom, and Dandekar, a bill for an act relating to reimbursement for services provided under a medical assistance home and community-based services waiver for the elderly.

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

**Senate File 2099**, by Olive, Schmitz, Ragan, Beall, Heckroth, Dvorsky, Warnstadt, Horn, Seng, Quirmbach, Hatch, Appel, Gronstal, Kibbie, Black, Jochum, Bolkcom, Dandekar, and Stewart, a bill for an act relating to the provision of information to nursing facility residents regarding Medicaid program eligibility requirements and regulations pertaining to long-term care expenses.

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

**Senate File 2100**, by McKinley, a bill for an act relating to lobbying activities by federal, state, and local government agencies.

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

**Senate File 2101**, by McKinley, a bill for an act creating the private attorney retention sunshine Act.

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

**Senate File 2102**, by Hancock, a bill for an act relating to paternity proceedings and providing a penalty.

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

**Senate File 2103**, by Kibbie, a bill for an act relating to excise taxes imposed upon special fuel, including biodiesel fuel and diesel fuel used in the production of biodiesel blended fuel.

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

**Senate File 2104**, by McKinley, a bill for an act suspending certain financial mandates and restrictions for school districts for certain school budget years and including effective date and applicability provisions.

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

**Senate File 2105**, by Warnstadt, a bill for an act relating to certain national security and military education benefits and programs.

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

**Senate File 2106**, by Soddors, a bill for an act relating to revocation of the registration of a motor vehicle driven by a person whose driver's license is suspended, revoked, barred, or canceled.

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

**Senate File 2107**, by Kibbie, a bill for an act relating to motor fuel by establishing standards for the sale of such fuel, eliminating tax credits, and making penalties applicable.

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

**Senate File 2108**, by committee on Judiciary, a bill for an act relating to artisan's liens and Iowa's consumer frauds Act and making remedies applicable.

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

**Senate File 2109**, by committee on Judiciary, a bill for an act concerning penalties for failure to obey an official traffic control device or signal when the violation results in death or serious injury.

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

**Senate File 2110**, by committee on Judiciary, a bill for an act updating references to the federal Truth in Lending Act.

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

## STUDY BILLS RECEIVED

### **SSB 3119      Natural Resources**

Relating to various conservation and recreation activities under the purview of the department of natural resources, and making penalties applicable.

### **SSB 3120      Ways and Means**

Relating to the definition of agricultural property for property taxation purposes.

**SSB 3121      Ways and Means**

Eliminating the film, television, and video project promotion program and including effective date and retroactive and other applicability provisions.

**SSB 3122      Ways and Means**

Requiring combined corporate tax returns for unitary businesses and including retroactive applicability provisions.

**SSB 3123      Ways and Means**

Relating to assessment of telecommunications company property for purposes of property taxation, and including effective date and retroactive applicability provisions.

**SSB 3124      Judiciary**

Creating the criminal offense of robbery in the third degree, and providing a penalty.

**SSB 3125      Ways and Means**

Relating to the division of school foundation property taxes for purposes of urban renewal and including an effective date provision.

**SSB 3126      Ways and Means**

Relating to commercial establishments required to be certified to keep certain pets, by providing for regulation, the imposition of fees, and an appropriation.

**SSB 3127      Veterans Affairs**

Providing for the development of programs to attract qualified disabled veterans for job opportunities in state government.

**SSB 3128      Veterans Affairs**

Providing for a study of postsecondary undergraduate education benefits for veterans who live and work in this state and for their dependent children.

**SSB 3129      Human Resources**

Relating to community mental health centers.

**SSB 3130      Local Government**

Establishing certain definitions relating to instruments affecting real estate and specifying information to be contained in index records.

**SSB 3131      Local Government**

Relating to the review and approval of proposed subdivisions by a city.

**SSB 3132      Local Government**

Providing an exemption from standards and requirements otherwise applicable to the investment of public funds by specified state departments, agencies, and political subdivisions.

**SSB 3133      Local Government**

Relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, and making penalties applicable.

**SSB 3134      Human Resources**

Relating to the office of the long-term care resident's advocate, and providing penalties.

**SSB 3135      Education**

Relating to special education rights and duties and to the related duties and operations of the department of education and local school boards.

**SSB 3136      Education**

Relating to the duties and operations of the department of education and local school boards.

**SSB 3137      Education**

Relating to deaccreditation of a school district by the state board of education.

**SSB 3138      Education**

Relating to private college preparatory schools exempted from the state's educational standards and accreditation process, and including effective date provisions.

**SSB 3139      Education**

Creating the early childhood Iowa initiative.

**SSB 3140      Ways and Means**

Relating to the wagering tax rate on gambling games.

**SSB 3141      Judiciary**

Relating to transfer of guardianship for a child in need of assistance to the probate court.

**SSB 3142      Judiciary**

Prohibiting magistrates from acting as counsel in certain cases.

**SSB 3143      Judiciary**

Relating to grandparents' rights to receive notice regarding child in need of assistance and related reviews and proceedings.

**SSB 3144      Judiciary**

Relating to the criminal offense of intimidation with a dangerous weapon or motor vehicle, and providing penalties.

**SSB 3145      Judiciary**

Relating to the responsibilities of the county central point of coordination process when a civil commitment order has been entered.

**SSB 3146      Judiciary**

Relating to adjudications of persons with mental illness and providing an effective date.

**SSB 3147      Judiciary**

Relating to the appointment of judicial officers, senior judges, court reporters, and clerks of the district court, and creating a full-time magistrate office.

**SSB 3148      Judiciary**

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.

**SSB 3149      Judiciary**

Relating to the issuance of permits to carry weapons and permits to acquire pistols or revolvers including persons subject to mental and substance abuse health-related orders, and providing an effective date.

**SSB 3150      Judiciary**

Relating to providing false identification information to a peace officer, emergency medical care provider, or fire fighter and providing a penalty.

**SSB 3151      Judiciary**

Relating to the consumption of alcohol or intoxication in public places and making penalties applicable.

**SSB 3152      Veterans Affairs**

Providing an additional homestead credit for disabled veterans and including effective date and applicability provisions.

**SSB 3153      Commerce**

Relating to the confidentiality of information disclosed pursuant to applications for broadband technology project grants, and projects undertaken pursuant thereto, and including effective date and applicability provisions.

**SSB 3154      Commerce**

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.

**SSB 3155      Commerce**

Providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions.

**SSB 3156      Judiciary**

Relating to the criminal and juvenile justice planning advisory council, establishing a public safety advisory board, and providing for implementation.



**SSB 3157      Judiciary**

Relating to extending a period of probation and including applicability provisions.

**SSB 3158      Judiciary**

Relating to the definition of serious injury for purposes of criminal offenses.

**SSB 3159      Judiciary**

Relating to the criminal offense of detention in a brothel.

**SSB 3160      Judiciary**

Relating to the criminal offense of simulated public intoxication.

**SSB 3161      Judiciary**

Relating to the abuse of a corpse and providing penalties.

**SSB 3162      Judiciary**

Repealing the simple misdemeanor offense relating to the use of cowl lamps on motor vehicles.

**SSB 3163      Judiciary**

Relating to the criminal offense of intimidation with a dangerous weapon.

**SSB 3164      Judiciary**

Relating to escapes or attempted escapes from custody due to the commission of a criminal offense and providing a penalty.

**SSB 3165      Judiciary**

Relating to an assault causing serious injury.

**SSB 3166      Judiciary**

Relating to expunging convictions of certain criminal offenses.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2004**

APPROPRIATIONS: Dvorsky, Chair; and Kettering

**Senate File 2064**

EDUCATION: Wilhelm, Chair; Boettger and Schmitz

**Senate File 2066**

EDUCATION: Dvorsky, Chair; Beall and McKinley

**Senate File 2069**

REBUILD IOWA: Hogg, Chair; Houser and Jochum

**Senate File 2070**

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Seymour

**Senate File 2077**

TRANSPORTATION: Danielson, Chair; Kapucian and McCoy

**Senate File 2079**

HUMAN RESOURCES: Bolkcom, Chair; Hartsuch and Hatch

**Senate File 2084**

HUMAN RESOURCES: Bolkcom, Chair; Bartz and Hatch

**Senate File 2085**

ECONOMIC GROWTH: Schmitz, Chair; Beall and Wieck

**Senate File 2086**

JUDICIARY: Kreiman, Chair; Ward and Warnstadt

**Senate File 2088**

APPROPRIATIONS: Appel, Chair; Danielson, Dvorsky, Feenstra, and Kettering

**Senate File 2089**

COMMERCE: Dandekar, Chair; McCoy and Ward

**Senate File 2090**

TRANSPORTATION: Rielly, Chair; Hancock and Noble

**Senate File 2091**

STATE GOVERNMENT: Black, Chair; Dearden and Feenstra

**House File 2075**

COMMERCE: Bolkcom, Chair; Hartsuch and Warnstadt

**SSB 3118**

VETERANS AFFAIRS: Warnstadt, Chair; Beall and Seymour

**SSB 3119**

NATURAL RESOURCES: Dearden, Chair; Black and Hahn

**SSB 3120**

WAYS AND MEANS: Wilhelm, Chair; Feenstra and Schmitz

**SSB 3121**

WAYS AND MEANS: Quirnbach, Chair; Bolkcom and Hamerlinck

**SSB 3122**

WAYS AND MEANS: Jochum, Chair; Feenstra and Quirnbach

**SSB 3123**

WAYS AND MEANS: Bolkcom, Chair; Dandekar and Hamerlinck

**SSB 3124**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**SSB 3125**

WAYS AND MEANS: Hogg, Chair; Feenstra and Stewart

**SSB 3126**

WAYS AND MEANS: Seng, Chair; McCoy and Zaun

**SSB 3127**

VETERANS AFFAIRS: Beall, Chair; Kibbie and Wieck

**SSB 3128**

VETERANS AFFAIRS: Danielson, Chair; Noble and Ragan

**SSB 3129**

HUMAN RESOURCES: Schmitz, Chair; Ragan and Seymour

**SSB 3130**

LOCAL GOVERNMENT: Beall, Chair; Kapucian and Rielly

**SSB 3131**

LOCAL GOVERNMENT: Quirmbach, Chair; Houser and Kreiman

**SSB 3132**

LOCAL GOVERNMENT: Quirmbach, Chair; Olive and Reynolds

**SSB 3133**

LOCAL GOVERNMENT: Olive, Chair; McCoy and Reynolds

**SSB 3134**

HUMAN RESOURCES: Dotzler, Chair; Boettger and Wilhelm

**SSB 3135**

EDUCATION: Schmitz, Chair; Johnson and Kreiman

**SSB 3136**

EDUCATION: Wilhelm, Chair; Hamerlinck and Sadders

**SSB 3137**

EDUCATION: Schoenjahn, Chair; Hamerlinck and Sadders

**SSB 3138**

EDUCATION: Beall, Chair; Feenstra and Wilhelm

**SSB 3139**

EDUCATION: Schmitz, Chair; Appel and Boettger

**SSB 3140**

WAYS AND MEANS: Bolkcom, Chair; Feenstra and Quirnbach

**SSB 3141**

JUDICIARY: Kreiman, Chair; Jochum and Ward

**SSB 3142**

JUDICIARY: Kreiman, Chair; Fraise and Ward

**SSB 3143**

JUDICIARY: Kreiman, Chair; Boettger and Jochum

**SSB 3144**

JUDICIARY: Kreiman, Chair; Noble and Soddors

**SSB 3145**

JUDICIARY: Kreiman, Chair; Boettger and Hancock

**FINAL COMMITTEE REPORTS OF BILL ACTION**

**JUDICIARY**

**Bill Title:** SENATE FILE 2095 (formerly SF 2027), a bill for an act relating to the authority of a certified law enforcement officer.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Kreiman, Hogg, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Soddors, Ward, and Zaun. Nays, none. Absent, 2: Kettering and Warnstadt.

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

**ALSO:**

**Bill Title:** SENATE FILE 2096 (SSB 3029), a bill for an act relating to marital agreements, and including effective date and applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Kreiman, Hogg, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Soddors, Ward, and Zaun. Nays, none. Absent, 2: Kettering and Warnstadt.

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

**ALSO:**

**Bill Title:** \*SENATE FILE 2108 (SSB 3038), a bill for an act relating to artisan's liens and Iowa's consumer frauds Act and making remedies applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Kreiman, Hogg, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Sodders, Ward, and Zaun. Nays, none. Absent, 2: Kettering and Warnstadt.

**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 2108, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2109 (SSB 3008), a bill for an act concerning penalties for failure to obey an official traffic control device or signal when the violation results in death or serious injury.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Kreiman, Hogg, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Sodders, Ward, and Zaun. Nays, none. Absent, 2: Kettering and Warnstadt.

**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 2109, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2110 (SSB 3037), a bill for an act updating references to the federal Truth in Lending Act.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Kreiman, Hogg, Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Sodders, Ward, and Zaun. Nays, none. Absent, 2: Kettering and Warnstadt.

**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 2110, and they were attached to the committee report.

**GOVERNOR'S APPOINTEES PLACED ON  
EN BLOC CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendation for confirmation:

**ECONOMIC GROWTH**

Shearon Elderkin – Iowa Power Fund Board

**HUMAN RESOURCES**

Theresa Rasch – Prevention of Disabilities Policy Council

Phyllis Hansell – Council on Human Services

# JOURNAL OF THE SENATE

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SEVENTEENTH CALENDAR DAY  
ELEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, January 27, 2010

The Senate met in regular session at 8:49 a.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

The Journal of Tuesday, January 26, 2010, was approved.

## 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 January 26, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 2109**, a bill for an act relating to ethics laws by establishing disclosure requirements, providing jurisdictional authority, and allowing certain procedures in resolving ethics complaints, and including effective date provisions.

Read first time and attached to **companion Senate File 2074**.

**House File 2110**, a bill for an act relating to unemployment insurance benefits for spouses who leave employment to accompany a spouse on a military assignment.

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



## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:53 a.m. until 8:45 a.m., Thursday, January 28, 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

Annual on Recycled Products Purchases, pursuant to Iowa Code section 8A.315. Report received on January 21, 2010.

#### DEPARTMENT OF PUBLIC SAFETY

2008 Iowa Uniform Crime Report, pursuant to Iowa Code section 692.15. Report received on January 27, 2010.

### CERTIFICATES OF RECOGNITION

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

Lillian Schwerin Kramer, Burlington—For celebrating her 90<sup>th</sup> birthday. Senator Courtney (1/27/10).

Kevin and Cindy McCannon, Burlington—For celebrating their 30<sup>th</sup> wedding anniversary. Senator Courtney (1/27/10).

Sophia Nachtigal, Lake Park—For celebrating her 100<sup>th</sup> birthday. Senator Johnson (1/27/10).

Pearl Wischmeier Oetken, Burlington—For celebrating her 90<sup>th</sup> birthday. Senator Courtney (1/27/10).

Edward Schiefer, West Burlington—For celebrating his 80<sup>th</sup> birthday. Senator Courtney (1/27/10).

Betty Shawgo, Burlington—For celebrating her 90<sup>th</sup> birthday. Senator Courtney (1/27/10).

Helene Ogden Sleeter—For celebrating her 100<sup>th</sup> birthday. Senator Courtney (1/27/10).

## REPORTS OF COMMITTEE MEETINGS

## AGRICULTURE

**Convened:** Wednesday, January 27, 2010, 11:35 a.m.

**Members Present:** Fraise, Chair; Olive, Vice Chair; Johnson, Ranking Member; Appel, Behn, Boettger, Hahn, Hancock, Kapucian, Kibbie, Rielly, Seng, and Sodders.

**Members Absent:** Black and Courtney (both excused).

**Committee Business:** Presentations on conservation, soil erosion, and low carbon fuel.

**Adjourned:** 12:15 p.m.

## APPROPRIATIONS

**Convened:** Wednesday, January 27, 2010, 12:30 p.m.

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

**Members Absent:** McCoy, Vice Chair; Bartz, Bolkcom, and Hatch (all excused).

**Committee Business:** Passed SF 2088.

**Recessed:** 12:40 p.m.

**Reconvened:** 12:50 p.m.

**Adjourned:** 12:55 p.m.

## EDUCATION

**Convened:** Wednesday, January 20, 2010, 1:10 p.m.

**Members Present:** Schmitz, Chair; Schoenjahn, Vice Chair; Appel, Beall, Dvorsky, Feenstra, Heckroth, Johnson, Kreiman, Sodders, and Wilhelm.

**Members Absent:** Boettger, Ranking Member; Hamerlinck, McKinley, and Quirnbach (all excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 1:15 p.m.

## ALSO:

**Convened:** Wednesday, January 27, 2010, 2:05 p.m.

**Members Present:** Schmitz, Chair; Schoenjahn, Vice Chair; Boettger, Ranking Member; Appel, Dvorsky, Feenstra, Kreiman, Quirnbach, Sodders, and Wilhelm.

**Members Absent:** Beall, Hamerlinck, Heckroth, Johnson, and McKinley (all excused).

**Committee Business:** Preschool presentation by the Department of Education.

**Adjourned:** 3:00 p.m.

## ENVIRONMENT AND ENERGY INDEPENDENCE

**Convened:** Tuesday, January 26, 2010, 4:35 p.m.

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

**Members Absent:** Behn, Ranking Member; and Reynolds (both excused).

**Committee Business:** Assigned bills. Presentations on bio-economy and transportation, low carbon fuel standards, and Keep Iowa Beautiful.

**Adjourned:** 5:30 p.m.

## LOCAL GOVERNMENT

**Convened:** Monday, January 25, 2010, 2:10 p.m.

**Members Present:** Quirnbach, Chair; Beall, Vice Chair; Reynolds, Ranking Member; Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn.

**Members Absent:** Hamerlinck and Houser (both excused).

**Committee Business:** Guest presentations.

**Adjourned:** 2:45 p.m.

## ALSO:

**Convened:** Wednesday, January 27, 2010, 1:00 p.m.

**Members Present:** Quirnbach, Chair; Beall, Vice Chair; Reynolds, Ranking Member; Hamerlinck, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn.

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

**Committee Business:** Deferred SFs 2023 and 2024.

**Recessed:** 1:15 p.m.

**Reconvened:** 1:30 p.m.

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

## **REBUILD IOWA**

**Convened:** Tuesday, January 19, 2010, 3:10 p.m.

**Members Present:** Hogg, Chair; Heckroth, Vice Chair; Hamerlinck, Ranking Member; Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart.

**Members Absent:** None.

**Committee Business:** Assignment of bills. Presentation by the Eldora City Administrator.

**Adjourned:** 3:35 p.m.

## **STATE GOVERNMENT**

**Convened:** Wednesday, January 20, 2010, 4:35 p.m.

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

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

**Committee Business:** Approved SSB 3030, as amended.

**Recessed:** 6:15 p.m.

**Reconvened:** 6:20 p.m.

**Adjourned:** 6:35 p.m.

## **ALSO:**

**Convened:** Wednesday, January 27, 2010, 1:10 p.m.

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

**Members Absent:** Courtney and Hatch (both excused).

**Committee Business:** Approved SSB 3035. Approved governor's appointees.

**Recessed:** 1:15 p.m.

**Reconvened:** 1:20 p.m.

**Adjourned:** 1:30 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** Thursday, January 21, 2010, 10:15 a.m.

**Members Present:** Danielson, Chair; Jochum, Vice Chair; Bartz, Ranking Member.

**Members Absent:** Behn and Kreiman (both excused).

**Committee Business:** Presentation by the Department of Administrative Services.

**Adjourned:** 11:25 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** Thursday, January 21, 2010, 10:30 a.m.

**Members Present:** Seng, Chair; Black, Vice Chair; Hahn, Ranking Member; Houser and Wilhelm.

**Members Absent:** None.

**Committee Business:** Budget presentation by the Secretary of Agriculture.

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

#### **ALSO:**

**Convened:** Tuesday, January 26, 2010, 10:15 a.m.

**Members Present:** Seng, Chair; Black, Vice Chair; Hahn, Ranking Member; and Wilhelm.

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

**Committee Business:** Budget presentation by the Director of Department of Natural Resources. Update on the Honey Creek Resort.

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

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** Tuesday, January 26, 2010, 10:15 a.m.

**Members Present:** Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Hartsuch and Schmitz.

**Members Absent:** None.

**Committee Business:** DHS comments on the reorganization bill. Presentations on the TANF emergency fund.

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

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** Tuesday, January 26, 10:05 a.m.

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

**Members Absent:** Warnstadt, Vice Chair (excused).

**Committee Business:** Presentation by the Department of Transportation.

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

#### **INTRODUCTION OF RESOLUTION**

**Senate Joint Resolution 2003**, by Courtney and Dotzler, a joint resolution to nullify administrative rules of the board of nursing concerning advanced registered nurse practitioners and providing an effective date.

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

#### **INTRODUCTION OF BILLS**

**Senate File 2111**, by Boettger, a bill for an act relating to assignment of visitation to the grandparent of a child when a parent is serving active duty in the military service of the United States.

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

**Senate File 2112**, by Jochum, a bill for an act relating to workplace accommodations for employees who express breast milk.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

**Senate File 2113**, by Jochum, a bill for an act modifying provisions relating to franchises for the provision of cable service or video service, and including effective date and retroactive applicability provisions.

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

**Senate File 2114**, by Heckroth, Ragan, Schmitz, Beall, Horn, Seng, Hatch, Kibbie, Black, Jochum, and Dandekar, a bill for an act relating to the creation and use of moneys in a home and community-based services trust fund and making an appropriation.

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

**Senate File 2115**, by Black, Beall, Horn, Seng, Quirmbach, Hatch, Dearden, Appel, Courtney, Kibbie, Jochum, Bolkcom, Dandekar, and Stewart, a bill for an act providing for and making an appropriation to the department on aging for statewide expansion of the elder abuse initiative program.

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

**Senate File 2116**, by Jochum, a bill for an act requiring that the Iowa core curriculum for kindergarten through grade eight include foreign language and American sign language.

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

**Senate File 2117**, by committee on Human Resources, a bill for an act to allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses.

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

**Senate File 2118**, by Quirmbach, a bill for an act repealing the film, television, and video project promotion program and including effective date and retroactive and other applicability provisions.

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

**Senate File 2119**, by Dotzler, a bill for an act relating to the use of certain assets contained in the workers' compensation second injury fund.

Read first time under Rule 28 and referred to committee on **Labor and Business Relations**.

**Senate File 2120**, by Dearden, a bill for an act allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty.

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

**Senate File 2121**, by Johnson, a bill for an act authorizing the commissioner of insurance to develop individual and small employer basic benefit health care plans for certain young adults and their dependents.

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

**Senate File 2122**, by Bolkcom, a bill for an act requiring certain health benefit contracts, policies, or plans to provide coverage of tobacco use cessation programs and providing an applicability date.

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



**Senate File 2123**, by Kettering, a bill for an act relating to the operation of all-terrain vehicles on highways, providing a registration fee, and making a penalty applicable.

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

**Senate File 2124**, by Kettering, a bill for an act providing a school tuition credit for certain pupils attending an accredited nonpublic school and including applicability provisions.

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

**Senate File 2125**, by Soddors, Heckroth, Olive, and Courtney, a bill for an act requiring provision of deliverable fuels to customers under specified circumstances, and including effective date provisions.

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

**Senate File 2126**, by Johnson, a bill for an act relating to the use of federal health care reform funding for abortions, and including effective date provisions.

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

**Senate File 2127**, by Johnson, a bill for an act exempting the sale of all horses from the sales and use taxes.

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

#### STUDY BILLS RECEIVED

**SSB 3167**      **Commerce**

Modifying disciplinary provisions applicable to real estate brokers and salespersons.

**SSB 3168      Environment and Energy Independence**

Relating to the Iowa comprehensive petroleum underground storage tank fund.

**SSB 3169      Rebuild Iowa**

Relating to royalty fees and credits for removal of sand and gravel from state-owned lands and waters.

**SSB 3170      Rebuild Iowa**

Limiting certain financial assistance for development in five hundred year floodplains.

**SSB 3171      Appropriations**

Relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates.

**SSB 3172      Rebuild Iowa**

Providing for the waiver of tax penalties and interest under certain disaster loss circumstances and including effective date and retroactive applicability provisions.

**SSB 3173      Judiciary**

Relating to driver's license sanctions, including the issuance of temporary restricted licenses and certain requirements relating to ignition interlock devices, and providing penalties.

**SSB 3174      Local Government**

Expanding Iowa communications network access to include cities, counties, and city and county governmental units.

**SSB 3175      Labor and Business Relations**

Requiring certain weekly workers' compensation benefits to be calculated by including an employee's overtime and premium pay, and to include an annual cost-of-living adjustment.

**SSB 3176      Labor and Business Relations**

Providing minimum paid sick and safe time for employees and including applicability provisions.

**SSB 3177      Environment and Energy Independence**

Relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 267**

AGRICULTURE: Seng, Chair; Johnson and Rielly

**Senate File 2014**

TRANSPORTATION: Rielly, Chair; Hahn and Hancock

**Senate File 2015**

TRANSPORTATION: Rielly, Chair; Hancock and Zaun

**Senate File 2078**

ENVIRONMENT AND ENERGY INDEPENDENCE: Stewart, Chair; Behn and Black

**Senate File 2080**

ENVIRONMENT AND ENERGY INDEPENDENCE: Black, Chair; Hancock and Hartsuch

**Senate File 2081**

ENVIRONMENT AND ENERGY INDEPENDENCE: Bolcom, Chair; Reynolds and Rielly

**Senate File 2082**

WAYS AND MEANS: Schmitz, Chair; Ward and Wilhelm

**Senate File 2083**

STATE GOVERNMENT: Courtney, Chair; Behn and Black

**Senate File 2097**

JUDICIARY: Kreiman, Chair; Warnstadt and Zaun

**Senate File 2100**

STATE GOVERNMENT: Dearden, Chair; Behn and Hatch

**Senate File 2101**

STATE GOVERNMENT: Courtney, Chair; Black and Wieck

**Senate File 2102**

JUDICIARY: Hancock, Chair; Boettger and Jochum

**Senate File 2104**

EDUCATION: Quirnbach, Chair; Dvorsky and McKinley

**Senate File 2107**

AGRICULTURE: Hancock, Chair; Black and Boettger

**Senate File 2111**

JUDICIARY: Warnstadt, Chair; Boettger and Hogg

**Senate File 2116**

EDUCATION: Beall, Chair; Hamerlinck and Schoenjahn

**SSB 3146**

JUDICIARY: Kreiman, Chair; Boettger and Hancock

**SSB 3147**

JUDICIARY: Kreiman, Chair; Fraise and Ward

**SSB 3148**

JUDICIARY: Warnstadt, Chair; Hogg and Noble

**SSB 3149**

JUDICIARY: Kreiman, Chair; Soddors and Zaun

**SSB 3150**

JUDICIARY: Hancock, Chair; Noble and Quirnbach

**SSB 3151**

JUDICIARY: Quirnbach, Chair; Noble and Sodders

**SSB 3152**

VETERANS AFFAIRS: Kibbie, Chair; Beall and Noble

**SSB 3153**

COMMERCE: Warnstadt, Chair; Behn and Heckroth

**SSB 3154**

COMMERCE: Stewart, Chair; Kettering and Schmitz

**SSB 3155**

COMMERCE: Dandekar, Chair; Stewart and Ward

**SSB 3156**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**SSB 3157**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**SSB 3158**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**SSB 3159**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**SSB 3160**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**SSB 3161**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**SSB 3162**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**SSB 3163**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**SSB 3164**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**SSB 3165**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**SSB 3166**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**SSB 3167**

COMMERCE: Olive, Chair; Kettering and Stewart

**SSB 3168**

ENVIRONMENT AND ENERGY INDEPENDENCE: Hancock, Chair; Hartsuch and Stewart

**SSB 3169**

REBUILD IOWA: Dandekar, Chair; Feenstra and Horn

**SSB 3170**

REBUILD IOWA: Dandekar, Chair; Jochum and Reynolds

**SSB 3171**

APPROPRIATIONS: Hatch, Chair; Dvorsky, Johnson, Kettering, and Ragan

**SSB 3172**

REBUILD IOWA: Jochum, Chair; Hamerlinck and Stewart

**SSB 3173**

JUDICIARY: Soddors, Chair; Noble and Schoenjahn

**SSB 3174**

LOCAL GOVERNMENT: Olive, Chair; Houser and Quirmbach

**SSB 3175**

LABOR AND BUSINESS RELATIONS: Horn, Chair; Courtney and Ward

**SSB 3176**

LABOR AND BUSINESS RELATIONS: Courtney, Chair; Hatch and Wieck

**SSB 3177**

ENVIRONMENT AND ENERGY INDEPENDENCE: Rielly, Chair; Black and Reynolds

**FINAL COMMITTEE REPORTS OF BILL ACTION****APPROPRIATIONS**

**Bill Title:** SENATE FILE 2088 (SSB 3030), a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees, establishing fees and penalties, and providing effective and applicability provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Dvorsky, Appel, Danielson, Dearden, Dotzler, Fraise, Hancock, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 8: Kettering, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, 4: McCoy, Bartz, Bolkom, and Hatch.

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

**HUMAN RESOURCES**

**Bill Title:** SENATE FILE 2117 (SSB 3083), a bill for an act to allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. Absent, none.

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

## GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

### STATE GOVERNMENT

Evelyn Rank – Accountancy Examining Board

Victoria Nwasike – Commission on the Status of African-Americans

Rex Jones – Board of Chiropractic

Kay Pence – Electrical Examining Board

Khara Washington – Generation Iowa Commission

Michele Rosenboom – Interior Design Examining Board

Herb Copley – IowAccess Advisory Council

### REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Shearon Elderkin – Iowa Power Fund Board

TIM L. KAPUCIAN



# JOURNAL OF THE SENATE

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EIGHTEENTH CALENDAR DAY  
TWELFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, January 28, 2010

The Senate met in regular session at 8:45 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

The Journal of Wednesday, January 27, 2010, was approved.

## 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 January 27, 2010, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 681**, a bill for an act requiring employers to provide notice of business closings and mass layoffs and providing penalties.

Read first time and referred to committee on **Labor and Business Relations**.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:50 a.m. until 10:00 a.m., Monday, February 1, 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:

#### CAPITAL INVESTMENT BOARD

2009 Annual Report, pursuant to Iowa Code section 15E.46. Report received on January 28, 2010.

#### ENVIRONMENTAL PROTECTION COMMISSION

2009 Annual Report, pursuant to Iowa Code section 455b.105(5). Report received on January 28, 2010.

#### DEPARTMENT OF PUBLIC HEALTH

Iowa Domestic Abuse Death Review Team Biannual Report, pursuant to Iowa Code section 135.108. Report received on January 27, 2010.

### CERTIFICATE OF RECOGNITION

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

Hazel Vanderlinden, Oskaloosa—For celebrating her 100<sup>th</sup> birthday. Senator Rielly (1/28/10).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convened:** Thursday, January 28, 2010, 2:40 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSB 3171.

**Recessed:** 2:45 p.m.

**Reconvened:** 3:00 p.m.

**Adjourned:** 3:05 p.m.

## COMMERCE

**Convened:** Thursday, January 28, 2010, 2:05 p.m.

**Members Present:** Warnstadt, Chair; Wieck, Ranking Member; Behn, Bolkcom, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward.

**Members Absent:** Heckroth, Vice Chair; and Courtney (both excused).

**Committee Business:** Passed HF 2075 and approved SSB 3032, as amended.

**Adjourned:** 2:15 p.m.

## ECONOMIC GROWTH

**Convened:** Thursday, January 28, 2010, 1:15 p.m.

**Members Present:** Stewart, Chair; Olive, Vice Chair; Houser, Ranking Member; Beall, Dandekar, Dotzler, Hatch, Heckroth, Reynolds, Rielly, Schmitz, and Wilhelm.

**Members Absent:** Hamerlinck, Kapucian, and Wieck (all excused).

**Committee Business:** Confirmed governor's appointees. Presentation by the Department of Economic Development.

**Adjourned:** 2:05 p.m.

## GOVERNMENT OVERSIGHT

**Convened:** Thursday, January 28, 2010, 10:10 a.m.

**Members Present:** Olive, Chair; and Soddors.

**Members Absent:** Courtney, Vice Chair; Ward, Ranking Member; and Wieck (all excused).

**Committee Business:** Guest presentations.

**Adjourned:** 11:40 a.m.

## HUMAN RESOURCES

**Convened:** Thursday, January 28, 2010, 3:00 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSBs 3047, 3052, 3073, and 3074.

**Adjourned:** 3:20 p.m.

## JUDICIARY

**Convened:** Wednesday, January 27, 2010, 4:05 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSB 3108. Passed HF 758 without recommendation. Approved governor's appointee.

**Adjourned:** 4:35 p.m.

## REBUILD IOWA

**Convened:** Wednesday, January 27, 2010, 3:10 p.m.

**Members Present:** Hogg, Chair; Heckroth, Vice Chair; Hamerlinck, Ranking Member; Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart.

**Members Absent:** None.

**Committee Business:** Approved SSB 3077, as amended.

**Adjourned:** 3:20 p.m.

## TRANSPORTATION

**Convened:** Thursday, January 28, 2010, 3:05 p.m.

**Members Present:** Rielly, Chair; Beall, Vice Chair; Noble, Ranking Member; Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, Reynolds, Warnstadt, and Zaun.

**Members Absent:** None.

**Committee Business:** Considered SSBs 3001, 3071, and 3081.

**Recessed:** 3:10 p.m.

**Reconvened:** 3:15 p.m.

**Adjourned:** 3:35 p.m.

#### **VETERANS AFFAIRS**

**Convened:** Wednesday, January 27, 2010, 3:25 p.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:** Presentation by the Director of Historic Ships Memorial at Pacific Square.

**Adjourned:** 3:55 p.m.

#### **WAYS AND MEANS**

**Convened:** Wednesday, January 27, 2010, 5:00 p.m.

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

**Members Absent:** McCoy, Vice Chair (excused).

**Committee Business:** Approved governor's appointee. Presentation by the Iowa State University Department of Economics.

**Adjourned:** 6:00 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** Thursday, January 28, 2010, 10:05 a.m.

**Members Present:** Danielson, Chair; Jochum, Vice Chair; Bartz, Ranking Member; and Behn.

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

**Committee Business:** Presentation by Rebuild Iowa.

**Adjourned:** 10:55 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** Thursday, January 28, 2010, 10:30 a.m.

**Members Present:** Seng, Chair; Black, Vice Chair; Hahn, Ranking Member; Houser and Wilhelm.

**Members Absent:** None.

**Committee Business:** Presentation by the Air Quality Bureau.

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

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** Thursday, January 28, 2010, 10:10 a.m.

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

**Members Absent:** Heckroth, Vice Chair; and Reynolds (both excused).

**Committee Business:** Presentation by the Department of Economic Development.

**Adjourned:** 10:50 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** Thursday, January 28, 2010, 10:00 a.m.

**Members Present:** Schoenjahn, Chair; Quirnbach, Vice Chair; Boettger, Ranking Member; and Horn.

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

**Committee Business:** Presentations by the Clayton Ridge School and the Van Meter School.

**Adjourned:** 11:40 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** Thursday, January 28, 2010, 10:15 a.m.

**Members Present:** Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Hartsuch and Schmitz.

**Members Absent:** None.

**Committee Business:** Presentation by the MHI Task Force.

**Adjourned:** 11:45 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** Thursday, January 28, 2010, 10:15 a.m.

**Members Present:** Hancock, Chair; Hogg, Vice Chair; Noble, Ranking Member; Fraise and Zaun.

**Members Absent:** None.

**Committee Business:** Presentations by the Iowa Law Enforcement Academy and the Department of Public Safety.

**Adjourned:** 11:25 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,  
INFRASTRUCTURE, AND CAPITALS**

**Convened:** Thursday, January 28, 2010, 10:10 a.m.

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

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

**Committee Business:** Presentations by the Department of Natural Resources.

**Adjourned:** 11:45 a.m.

## INTRODUCTION OF BILLS

**Senate File 2128**, by committee on State Government, a bill for an act requiring certain campaign finance statements and reports to be filed in an electronic format.

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

**Senate File 2129**, by Kibbie, a bill for an act authorizing sports betting and including an implementation provision.

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

**Senate File 2130**, by Sodders, a bill for an act authorizing sports betting on professional sporting events and including an implementation provision.

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

**Senate File 2131**, by Kibbie, a bill for an act to authorize the use of motorcycles modified by the addition of stabilizing rear wheels.

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

**Senate File 2132**, by Johnson, a bill for an act providing a state individual income tax deduction for certain health benefits plans and authorizing the commissioner of insurance to assist employers and insurers with implementing such health benefits plans and including effective date and retroactive applicability provisions.

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



**Senate File 2133**, by Johnson, a bill for an act changing the definition of qualifying coverage applicable to the waiver of certain preexisting condition exclusions and limitations by certain accident and health insurance providers.

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

**Senate File 2134**, by Quirnbach, a bill for an act relating to damages recoverable for injury to or death of a person.

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

**Senate File 2135**, by Quirnbach, 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.

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

**Senate File 2136**, by Jochum, a bill for an act relating to the establishment of a 21st century school system task force.

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

**Senate File 2137**, by Sodders, a bill for an act relating to economic development assistance at small business development centers by providing for the creation of economic gardening pilot programs.

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

**Senate File 2138**, by committee on Judiciary, a bill for an act relating to the rights of a donee created by an anatomical gift.

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

**Senate File 2139**, by Zaun, Boettger, Seymour, Reynolds, Noble, Bartz, Johnson, Kapucian, Hartsuch, Hahn, Kettering, McKinley, Hamerlinck, Ward, Feenstra, Houser, and Wieck, a bill for an act establishing the right to choose health care.

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

**Senate File 2140**, by Warnstadt, a bill for an act relating to school finance by increasing the foundation property tax, increasing the regular program and special education support services foundation base, and including effective date and applicability provisions.

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

**Senate File 2141**, by Danielson, 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.

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

**Senate File 2142**, by Danielson, 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 under Rule 28 and referred to committee on **Local Government**.

**Senate File 2143**, by Danielson, a bill for an act relating to an explanation of benefits for the medical assistance program.

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

**STUDY BILLS RECEIVED****SSB 3178      Ways and Means**

Relating to township property tax levies for emergency services and including applicability provisions.

**SSB 3179      Ways and Means**

Limiting the amount of research activities tax credit that is refundable and including retroactive applicability provisions.

**SSB 3180      Ways and Means**

Exempting from the state sales and use taxes the sale of paint and other consumed materials to an auto body shop.

**SSB 3181      Commerce**

Prohibiting the running of a transfer fee covenant with the title to real property.

**SSB 3182      Agriculture**

Concerning weight limits for vehicles carrying grain, fertilizer, or agricultural chemicals on noninterstate highways.

**SSB 3183      Human Resources**

Relating to rights of persons with disabilities.

**SSB 3184      State Government**

Making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions.

**SSB 3185      State Government**

Relating to the administration of the election laws by the secretary of state and including effective date provisions.

**SSB 3186      Education**

Relating to school business official training and authorization.

**SUBCOMMITTEE ASSIGNMENTS****Senate Joint Resolution 2003**

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Johnson

**Senate File 139**

WAYS AND MEANS: Bolkcom, Chair; Bartz and Stewart

**Senate File 2071**

COMMERCE: Warnstadt, Chair; Dandekar and Wieck

**Senate File 2087**

APPROPRIATIONS: Dvorsky, Chair; and Kettering

**Senate File 2092**

HUMAN RESOURCES: Hatch, Chair; Johnson and Ragan

**Senate File 2093**

COMMERCE: Rielly, Chair; Dandekar and Wieck

**Senate File 2094**

HUMAN RESOURCES: Bolkcom, Chair; Hartsuch and Hatch

**Senate File 2098**

HUMAN RESOURCES: Bolkcom, Chair; Boettger and Hatch

**Senate File 2099**

HUMAN RESOURCES: Schmitz, Chair; Boettger and Wilhelm

**Senate File 2103**

WAYS AND MEANS: Stewart, Chair; Bartz and Hogg

**Senate File 2113**

COMMERCE: Warnstadt, Chair; Heckroth and Ward

**Senate File 2114**

APPROPRIATIONS: Dvorsky, Chair; and Kettering

**Senate File 2115**

APPROPRIATIONS: Dvorsky, Chair; and Kettering

**Senate File 2120**

NATURAL RESOURCES: Dearden, Chair; Black and Hahn

**Senate File 2121**

COMMERCE: Rielly, Chair; Dandekar and Wieck

**Senate File 2122**

COMMERCE: Rielly, Chair; Dandekar and Hartsuch

**Senate File 2123**

TRANSPORTATION: Rielly, Chair; Hancock and Kapucian

**Senate File 2124**

EDUCATION: Dvorsky, Chair; McKinley and Quirmbach

**Senate File 2125**

STATE GOVERNMENT: Sodders, Chair; Courtney and Hartsuch

**Senate File 2126**

HUMAN RESOURCES: Bolkom, Chair; Hatch and Johnson

**Senate File 2127**

WAYS AND MEANS: Quirmbach, Chair; Dotzler and Ward

**Senate File 2129**

STATE GOVERNMENT: Kibbie, Chair; Horn and Seymour

**Senate File 2130**

STATE GOVERNMENT: Sodders, Chair; Horn and Wieck

**Senate File 2132**

WAYS AND MEANS: Jochum, Chair; Dotzler and Hamerlinck

**Senate File 2134**

JUDICIARY: Kreiman, Chair; Kettering and Warnstadt

**Senate File 2135**

JUDICIARY: Kreiman, Chair; Sodders and Ward

**Senate File 2136**

EDUCATION: Quirnbach, Chair; Dvorsky and Feenstra

**Senate File 2139**

HUMAN RESOURCES: Bolkcom, Chair; Hartsuch and Hatch

**Senate File 2140**

EDUCATION: Heckroth Chair; Dvorsky and Hamerlinck

**SSB 3178**

WAYS AND MEANS: Quirnbach, Chair; Hamerlinck and Schmitz

**SSB 3179**

WAYS AND MEANS: Bolkcom, Chair; Jochum and Zaun

**SSB 3180**

WAYS AND MEANS: Seng, Chair; Bartz and Stewart

**SSB 3181**

COMMERCE: Stewart, Chair; Kettering and Schmitz

**SSB 3182**

AGRICULTURE: Olive, Chair; Behn and Sodders

**SSB 3183**

HUMAN RESOURCES: Bolkcom, Chair; Bartz and Schmitz

**SSB 3184**

STATE GOVERNMENT: Sodders, Chair; Black and Feenstra

**SSB 3185**

STATE GOVERNMENT: Sodders, Chair; Black and Feenstra

**SSB 3186**

EDUCATION: Sodders Chair; Johnson and Wilhelm

**FINAL COMMITTEE REPORTS OF BILL ACTION****COMMERCE**

**Bill Title:** HOUSE FILE 2075 (HSB 530), a bill for an act requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials and providing an applicability date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Warnstadt, Wieck, Behn, Bolkcom, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 2: Heckroth and Courtney.

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

**JUDICIARY**

**Bill Title:** HOUSE FILE 758 (HSB 172), a bill for an act relating to damages recoverable for the wrongful or negligent injury or death of a person.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 9: Kreiman, Fraise, Hancock, Horn, Jochum, Quirnbach, Schoenjahn, Sodders, and Warnstadt. Nays, 5: Kettering, Boettger, Noble, Ward, and Zaun. Present, 1: Hogg. Absent, none.

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

**ALSO:**

**Bill Title:** SENATE FILE 2138 (SSB 3108), a bill for an act relating to the rights of a donee created by an anatomical gift.

**Recommendation:** APPROVED COMMITTEE BILL.

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

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

**STATE GOVERNMENT**

**Bill Title:** SENATE FILE 2128 (SSB 3005), a bill for an act requiring certain campaign finance statements and reports to be filed in an electronic format.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Appel, Kibbie, Feenstra, Behn, Black, Danielson, Dearden, Hartsuch, Horn, Jochum, Seymour, Sodders, and Wieck. Nays, none. Absent, 2: Courtney and Hatch.

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

**GOVERNOR'S APPOINTEES PLACED ON  
EN BLOC CONFIRMATION CALENDAR**

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

**ECONOMIC GROWTH**

Ruth Smith – Iowa Great Places Board

Joni Dittmer – Iowa Jobs Board

**GOVERNOR'S APPOINTEES PLACED ON  
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

**ECONOMIC GROWTH**

Bret Mills – Director of the Department of Economic Development

**WAYS AND MEANS**

Joe O'Hern – Executive Director of the Iowa Finance Authority

**AMENDMENT FILED**

S-5016      S.F.      2117      Amanda Ragan



# JOURNAL OF THE SENATE

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TWENTY-SECOND CALENDAR DAY  
THIRTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 1, 2010

The Senate met in regular session at 10:04 a.m., President Kibbie presiding.

Prayer was offered by Reverend Harold Davis, Jr., pastor of Corinthian Baptist Church in Des Moines, Iowa. He was the guest of Senator Fraise.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Matt Brown.

The Journal of Thursday, January 28, 2010, was approved.

## 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 January 28, 2010, **adopted** the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 104**, a concurrent resolution amending the joint rules of the Senate and House of Representatives relating to compensation payable by the General Assembly.

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

ALSO: That the House has on January 28, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 2111**, a bill for an act providing notification to the department of workforce development by the secretary of state when certain business entities apply for reinstatement after dissolution to ensure certain tax obligations have been fulfilled.

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

**House File 2131**, a bill for an act updating references to the federal Truth in Lending Act.

Read first time and attached to **companion Senate File 2110**.

#### INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Charles J. Krogmeier, the governor's appointee to be the Director of the Department of Human Services. He was the guest of Senator Ragan and the committee on Human Resources.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2088.

#### **Senate File 2088**

On motion of Senator Appel, **Senate File 2088**, a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees, establishing fees and penalties, and providing effective and applicability provisions, with report of committee recommending passage, was taken up for consideration.

(Senate File 2088 was deferred.)

The Senate stood at ease at 10:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:31 p.m., President Kibbie presiding.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 2:32 p.m. until 4:45 p.m.

## APPENDIX—1

## REPORTS OF COMMITTEE MEETINGS

## RULES AND ADMINISTRATION

**Convened:** Wednesday, January 13, 2010, 9:00 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:** Passed timetable resolutions.

**Adjourned:** 9:05 a.m.

## APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** Tuesday, January 26, 2010, 10:10 a.m.

**Members Present:** Schoenjahn, Chair; Quirmbach, Vice Chair; Boettger, Ranking Member; Feenstra and Horn.

**Members Absent:** None.

**Committee Business:** Guest presentations.

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

## INTRODUCTION OF BILLS

**Senate File 2144**, by Beall and Black, a bill for an act relating to the exclusion of veterans' disability compensation from the claims of creditors and in calculating property disposition and support obligations.

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

**Senate File 2145**, by committee on Transportation, a bill for an act relating to annual motor vehicle registration fees for older-model multipurpose vehicles and certain vehicles equipped for a person with a disability or used by a person who relies on a wheelchair.

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

**Senate File 2146**, by committee on Transportation, a bill for an act relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers.

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

**Senate File 2147**, by committee on Rebuild Iowa, 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.

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

**Senate File 2148**, by committee on Human Resources, a bill for an act relating to the organization and duties of the state board of health.

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

**Senate File 2149**, by committee on Human Resources, 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.

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

**Senate File 2150**, by committee on Transportation, a bill for an act relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

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

**Senate File 2151**, by committee on Appropriations, a bill for an act relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates.

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

**Senate File 2152**, by Johnson, a bill for an act relating to motor fuel, including ethanol blended gasoline and biodiesel fuel, by limiting the liability of retail dealers.

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

**Senate File 2153**, by Warnstadt, a bill for an act relating to the school finance formula by requiring computation of the foundation property tax levy, increasing the regular program and special education support services foundation bases, and including effective date and applicability provisions.

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

#### STUDY BILLS RECEIVED

##### **SSB 3187      Local Government**

Creating an emergency management trust fund and making appropriations.

##### **SSB 3188      Judiciary**

Relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

##### **SSB 3189      Rebuild Iowa**

Authorizing the creation of watershed management authorities.

## SUBCOMMITTEE ASSIGNMENTS

### Senate File 2118

ECONOMIC GROWTH: Dotzler, Chair; Houser and Stewart

### Senate File 2137

ECONOMIC GROWTH: Olive, Chair; Heckroth and Wieck

### Senate File 2141

STATE GOVERNMENT: Danielson, Chair; Courtney and Hartsuch

### Senate File 2143

HUMAN RESOURCES: Bolkcom, Chair; Seymour and Wilhelm

### SSB 3187

LOCAL GOVERNMENT: Rielly, Chair; Reynolds and Schoenjahn

### SSB 3188

JUDICIARY: Soddors, Chair; Boettger and Quirnbach

### SSB 3189

REBUILD IOWA: Hogg, Chair; Houser and Jochum

## FINAL COMMITTEE REPORTS OF BILL ACTION

### APPROPRIATIONS

**Bill Title:** \*SENATE FILE 2151 (SSB 3171), a bill for an act relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 16: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. 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 Appropriations Committee on Senate File 2151, and they were attached to the committee report.

**HUMAN RESOURCES**

**Bill Title:** \*SENATE FILE 2148 (SSB 3047), a bill for an act relating to the organization and duties of the state board of health.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. Absent, none.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2148, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2149 (SSB 3052), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. Absent, 1: Hatch.

**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 Human Resources Committee on Senate File 2149, and they were attached to the committee report.

**REBUILD IOWA**

**Bill Title:** \*SENATE FILE 2147 (SSB 3077), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart. 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 Rebuild Iowa Committee on Senate File 2147, and they were attached to the committee report.

## TRANSPORTATION

**Bill Title:** SENATE FILE 2145 (SSB 3001), a bill for an act relating to annual motor vehicle registration fees for older-model multipurpose vehicles and certain vehicles equipped for a person with a disability or used by a person who relies on a wheelchair.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, none.

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

### ALSO:

**Bill Title:** SENATE FILE 2146 (SSB 3081), a bill for an act relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, none.

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

### ALSO:

**Bill Title:** \*SENATE FILE 2150 (SSB 3071), a bill for an act relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, Reynolds, 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 Transportation Committee on Senate File 2150, and they were attached to the committee report.



## RECONVENED

The Senate reconvened at 4:50 p.m., President Kibbie presiding.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he returns, on request of Senator Gronstal.

## BUSINESS PENDING

**Senate File 2088**

The Senate resumed consideration of **Senate File 2088**, a bill for an act concerning state government reorganization and efficiency, making appropriations, establishing fees, establishing fees and penalties, and providing effective and applicability provisions.

Senator Hartsuch offered amendment S-5027, filed by Senator Hartsuch, et al., from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5027 be adopted?" (S.F. 2088), the vote was:

Yeas, 18:

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

Nays, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	Kreiman	Sodders
Courtney	Hancock	Olive	Stewart

Dandekar	Hatch	Quirnbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Absent, 1:

McCoy

Amendment S-5027 lost.

Senator Hartsuch offered amendment S-5028, filed by Senator Hartsuch, et al., from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5028 lost by a voice vote.

Senator Danielson offered amendment S-5021, filed by Senator Danielson, et al., from the floor to pages 1, 2, 36, 37, 39, 41, 42, 81, and 108 of the bill.

Senator Kettering asked and received unanimous consent that action on amendment S-5021 be deferred.

Senator Gronstal offered amendment S-5017, filed by him on January 29, 2010, to pages 2, 5, 34, 83, 109, 113, 114, 122, 136, 152, 156-161, 186, 198, 236, 241, and 243 of the bill.

Senator Appel offered amendment S-5020, filed by her from the floor to pages 3 and 9, and amending the title provisions of amendment S-5017.

Senator Kettering asked and received unanimous consent that action on amendment S-5020 to amendment S-5017 and amendment S-5017 be deferred.

Senator Hartsuch asked and received unanimous consent to withdraw amendment S-5025, filed by Senator Hartsuch, et al., from the floor to page 10 of the bill.

Senator Hartsuch offered amendment S-5031, filed by Senator Hartsuch, et al., from the floor to page 34 of the bill, and moved its adoption.

Amendment S-5031 lost by a voice vote.

President Pro Tempore Danielson took the chair at 5:18 p.m.

Senator Kibbie offered amendment S-5022, filed by him from the floor to page 161 of the bill, and moved its adoption.

Amendment S-5022 was adopted by a voice vote.

Senator Boettger offered amendment S-5030, filed by Senator Boettger, et al., from the floor to page 162 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5030 be adopted?" (S.F. 2088), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 30:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Sodders
Boettger	Hancock	McKinley	Stewart
Dandekar	Hartsuch	Noble	Ward
Dvorsky	Hogg	Olive	Wieck
Feenstra	Horn	Reynolds	Zaun
Fraise	Houser	Rielly	
Gronstal	Johnson	Seng	

Nays, 20:

Appel	Danielson	Jochum	Ragan
Beall	Dearden	Kibbie	Schmitz
Black	Dotzler	Kreiman	Schoenjahn
Bolkcom	Hatch	McCoy	Warnstadt
Courtney	Heckroth	Quirmbach	Wilhelm

Absent, none.

Amendment S-5030 was adopted.

The Senate stood at ease at 5:40 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:37 p.m., President Kibbie presiding.

### MOTION TO RECONSIDER ADOPTED

Senator Boettger called up the following motion to reconsider filed by her from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S-5030 to Senate File 2088 was adopted by the Senate on February 1, 2010.

A record roll call was requested.

On the question "Shall the motion to reconsider amendment S-5030 be adopted?" (S.F. 2088), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 31:

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

Nays, 19:

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

Absent, none.

The motion prevailed and amendment S-5030, by Senator Boettger to page 162 of the bill, was taken up for reconsideration.

Senator Boettger moved the adoption of amendment S-5030.

A record roll call was requested.

On the question “Shall amendment S–5030 be adopted?” (S.F. 2088), the vote was:

Yeas, 23:

Bartz	Hahn	Johnson	Seng
Behn	Hamerlinck	Kapucian	Seymour
Boettger	Hartsuch	Kettering	Ward
Dandekar	Hogg	McKinley	Wieck
Dvorsky	Horn	Noble	Zaun
Feenstra	Houser	Reynolds	

Nays, 27:

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

Absent, none.

Amendment S–5030 lost.

With the adoption of the motion to reconsider amendment S–5030 to Senate File 2088, the Chair ruled the motion to reconsider, filed by Senator Gronstal from the floor to amendment S–5030 to Senate File 2088, out of order.

Senator Schmitz offered amendment S–5023, filed by her from the floor to pages 162–167, 169–178, and 180–186 of the bill, and moved its adoption.

Amendment S–5023 was adopted by a voice vote.

Senator Hatch offered amendment S–5024, filed by him from the floor to pages 186 and 207–210 of the bill.

Senator Houser offered amendment S–5035, filed by Senators Houser and Reynolds from the floor to page 2 of amendment S–5024, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5035 to amendment S-5024 be adopted?" (S.F. 2088), the vote was:

Yeas, 19:

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

Nays, 31:

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

Absent, none.

Amendment S-5035 lost.

Senator Hatch moved the adoption of amendment S-5024.

Amendment S-5024 was adopted by a voice vote.

Senator Seymour offered amendment S-5029, filed by Senator Seymour, et al., from the floor to page 187 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5029 be adopted?" (S.F. 2088), the vote was:

Yeas, 20:

Bartz	Feenstra	Johnson	Reynolds
Behn	Hahn	Kapucian	Seymour
Black	Hamerlinck	Kettering	Ward

Boettger	Hartsuch	McKinley	Wieck
Dandekar	Houser	Noble	Zaun

Nays, 30:

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

Absent, none.

Amendment S-5029 lost.

Senator Hatch offered amendment S-5032, filed by him from the floor to pages 198 and 199 of the bill, and moved its adoption.

Amendment S-5032 was adopted by a voice vote.

Senator Wilhelm offered amendment S-5018, filed by her from the floor to page 239 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5018 be adopted?" (S.F. 2088), the vote was:

Yeas, 38:

Bartz	Hamerlinck	Kibbie	Schoenjahn
Beall	Hatch	Kreiman	Seng
Black	Heckroth	McCoy	Seymour
Bolkcom	Hogg	Noble	Sodders
Courtney	Horn	Olive	Stewart
Dandekar	Houser	Quirmbach	Warnstadt
Dvorsky	Jochum	Ragan	Wilhelm
Fraise	Johnson	Reynolds	Zaun
Gronstal	Kapucian	Rielly	
Hahn	Kettering	Schmitz	

Nays, 12:

Appel	Danielson	Feenstra	McKinley
Behn	Dearden	Hancock	Ward
Boettger	Dotzler	Hartsuch	Wieck

Absent, none.

Amendment S-5018 was adopted.

Senator Kreiman offered amendment S-5033, filed by him from the floor to page 240 of the bill, and moved its adoption.

Amendment S-5033 was adopted by a voice vote.

Senator Feenstra offered amendment S-5026, filed by Senator Feenstra, et al., from the floor to page 243 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5026 be adopted?" (S.F. 2088), 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-5026 lost.



Senator Feenstra offered amendment S-5040, filed by him from the floor to pages 32-34, and 243 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5040 be adopted?" (S.F. 2088), 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-5040 lost.

Senator Hartsuch offered amendment S-5038, filed by him from the floor to page 37 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5038 be adopted?" (S.F. 2088), the vote was:

Yeas, 19:

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

Nays, 31:

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

Absent, none.

Amendment S-5038 lost.

Senator Hartsuch offered amendment S-5039, filed by him from the floor to page 39 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5039 be adopted?" (S.F. 2088), 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	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, none.

Amendment S-5039 lost.

The Senate resumed consideration of amendment S-5021, previously deferred.

Senator Hartsuch offered amendment S-5042, filed by Senators Hartsuch and Behn from the floor to pages 4, 42, 43, and 80 of amendment S-5021.

Senator Danielson raised the point of order that amendment S-5042 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5042 out of order.

Senator Danielson moved the adoption of amendment S-5021.

Amendment S-5021 was adopted by a voice vote.

The Senate resumed consideration of amendment S-5020 to amendment S-5017, and amendment S-5017, previously deferred.

Senator Appel moved the adoption of amendment S-5020.

Amendment S-5020 was adopted by a voice vote.

Senator Seymour offered amendment S-5036, filed by Senators Seymour and Dandekar from the floor to page 6 of amendment S-5017, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5036 to amendment S-5017 be adopted?" (S.F. 2088), the vote was:

Yeas, 24:

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

Nays, 26:

Appel	Dvorsky	Kreiman	Seng
Beall	Fraise	McCoy	Soddars
Bolkcom	Gronstal	Quirnbach	Stewart
Courtney	Hatch	Ragan	Warnstadt

Danielson	Heckroth	Rielly	Wilhelm
Dearden	Jochum	Schmitz	
Dotzler	Kibbie	Schoenjahn	

Absent, none.

Amendment S-5036 lost.

Senator Sodders offered amendment S-5043, filed by him from the floor to pages 6 and 236 of amendment S-5017, and moved its adoption.

Amendment S-5043 was adopted by a voice vote.

Senator Sodders offered amendment S-5037, filed by Senators Sodders, Noble, and Hancock from the floor to pages 6 and 7 of amendment S-5017, and moved its adoption.

Amendment S-5037 was adopted by a voice vote.

Senator Dotzler offered amendment S-5041, filed by Senator Dotzler, et al., from the floor to pages 7-9 of amendment S-5017, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5041 to amendment S-5017 be adopted?" (S.F. 2088), the vote was:

Yeas, 46:

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

Nays, 4:

Bolkcom

Dearden

Dvorsky

Quirmbach

Absent, none.

Amendment S-5041 was adopted.

Senator Gronstal moved the adoption of amendment S-5017, as amended.

Amendment S-5017, as amended, was adopted by a voice vote.

Senator Appel 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. 2088), the vote was:

Yeas, 35:

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

Nays, 15:

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

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 2088** be **immediately messaged** to the House.

## BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2147** be referred from the Regular Calendar to the committee on **Judiciary**.

## 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 1, 2010, **amended and passed** the following bill in which the concurrence of the House was asked:

**Senate File 434**, a bill for an act relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property. (S-5044)

ALSO: That the House has on February 1, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 674**, a bill for an act relating to reporting the treatment of serious wounds received as the result of a crime to a law enforcement agency and making penalties applicable.

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

**House File 2137**, a bill for an act relating to the military division of the department of public defense concerning state military service and the Iowa code of military justice.

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

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:32 p.m. until 8:45 a.m., Tuesday, February 2, 2010.

## APPENDIX—2

### 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:

#### IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

Annual Report of Activities for 2009, pursuant to Iowa Code section 312.3B. Report received on February 1, 2010.

#### DEPARTMENT OF HUMAN RIGHTS

Iowa Collaboration for Youth Development Council Annual Report, pursuant to 2009 Iowa Acts, HF 315. Report received on February 1, 2010.

#### DEPARTMENT OF REVENUE

Iowa Streamlined Sales Tax Advisory Council 2009 Report, pursuant to 2009 Iowa Acts, HF 683. Report received on February 1, 2010.

### CERTIFICATES OF RECOGNITION

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

Therald and Nancy Arterburn, Fontanelle—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Boettger (2/1/10).

Bob and Pat Grace, Altoona—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Kibbie (2/1/10).

Harvey and Doris Greve, Walnut—For celebrating their 60<sup>th</sup> wedding anniversary. Senator Boettger (2/1/10).

Stan and Joan Martens, Portsmouth—For celebrating their 60<sup>th</sup> wedding anniversary. Senator Boettger (2/1/10).

Frank and Marilyn Smith, Brayton—For celebrating their 60<sup>th</sup> wedding anniversary. Senator Boettger (2/1/10).

## REPORT OF COMMITTEE MEETING

## STATE GOVERNMENT

**Convened:** Monday, February 1, 2010, 2:40 p.m.

**Members Present:** Appel, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck.

**Members Absent:** None.

**Committee Business:** Passed HF 777, as amended, and SF 2049. Approved governor's appointees.

**Adjourned:** 2:55 p.m.

## INTRODUCTION OF BILLS

**Senate File 2154**, by Rielly, a bill for an act relating to the manufacture and sale of native distilled spirits, and establishing a related permit fee and excise tax.

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

**Senate File 2155**, by Beall, a bill for an act requiring the installation of switch targets at certain locations along railroad tracks and providing a penalty.

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

**Senate File 2156**, by committee on Human Resources, a bill for an act relating to the IowaCare program, and providing for repeals.

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

**Senate File 2157**, by committee on Commerce, a bill for an act relating to the recording requirements for certain residential real estate installment sales contracts and including applicability provisions.

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



**Senate File 2158**, by committee on Human Resources, a bill for an act relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process.

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

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 2133**

COMMERCE: Rielly, Chair; Heckroth and Wieck

### **Senate File 2142**

LOCAL GOVERNMENT: Schoenjahn, Chair; Hamerlinck and Kreiman

## FINAL COMMITTEE REPORTS OF BILL ACTION

### **COMMERCE**

**Bill Title:** \*SENATE FILE 2157 (SSB 3032), a bill for an act relating to the recording requirements for certain residential real estate installment sales contracts and including applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Warnstadt, Wieck, Behn, Bolkcom, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 2: Heckroth and Courtney.

**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 Commerce Committee on Senate File 2157, and they were attached to the committee report.

### **HUMAN RESOURCES**

**Bill Title:** \*SENATE FILE 2156 (SSB 3073), a bill for an act relating to the IowaCare program, and providing for repeals.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. Absent, none.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2156, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2158 (SSB 3074), a bill for an act relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. Absent, 1: Hatch.

**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 Human Resources Committee on Senate File 2158, and they were attached to the committee report.

## GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

### ENVIRONMENT AND ENERGY INDEPENDENCE

Lorna Puntillo – Environmental Protection Commission

Eric Johnson – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

### STATE GOVERNMENT

Ning Chia – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Arlene Samona – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

William Cameron – Board of Massage Therapy

Bonni Leiserowitz – Board of Massage Therapy

## AMENDMENTS FILED

S-5017	S.F.	2088	Michael E. Gronstal
S-5018	S.F.	2088	Mary Jo Wilhelm
S-5019	H.F.	758	Tom Rielly
S-5020	S.F.	2088	Staci Appel
S-5021	S.F.	2088	Jeff Danielson Herman C. Quirmbach Robert E. Dvorsky William A. Dotzler, Jr. Rich Olive Joe Bolkcom
S-5022	S.F.	2088	John P. Kibbie
S-5023	S.F.	2088	Becky Schmitz
S-5024	S.F.	2088	Jack Hatch
S-5025	S.F.	2088	David Hartsuch Paul McKinley Jerry Behn Steve Kettering James F. Hahn David Johnson Tim L. Kapucian Kim Reynolds James A. Seymour
S-5026	S.F.	2088	Randy Feenstra Steve Kettering Paul McKinley Jerry Behn James A. Seymour James F. Hahn David Hartsuch Pat Ward Hubert Houser Kim Reynolds Tim L. Kapucian David Johnson Merlin Bartz Nancy J. Boettger Brad Zaun Shawn Hamerlinck

S-5027	S.F.	2088	Ron Wieck Larry Noble David Hartsuch James A. Seymour Jerry Behn Paul McKinley Steve Kettering Brad Zaun Nancy J. Boettger James F. Hahn Shawn Hamerlinck
S-5028	S.F.	2088	Randy Feenstra David Hartsuch James A. Seymour Jerry Behn Paul McKinley Brad Zaun Nancy J. Boettger James F. Hahn Randy Feenstra
S-5029	S.F.	2088	James A. Seymour Nancy J. Boettger Ron Wieck James F. Hahn Hubert Houser Shawn Hamerlinck Steve Kettering Paul McKinley Jerry Behn Randy Feenstra Pat Ward Kim Reynolds Tim L. Kapucian David Johnson Merlin Bartz Larry Noble Brad Zaun David Hartsuch
S-5030	S.F.	2088	Nancy J. Boettger Kim Reynolds Hubert Houser

			James A. Seymour
			Pat Ward
			James F. Hahn
			Steve Kettering
			Larry Noble
			Paul McKinley
			Jerry Behn
			Randy Feenstra
S-5031	S.F.	2088	David Hartsuch
			Pat Ward
			Larry Noble
			David Johnson
			Tim L. Kapucian
			Kim Reynolds
			James A. Seymour
			Randy Feenstra
			Paul McKinley
			Steve Kettering
			Brad Zaun
			Nancy J. Boettger
			James F. Hahn
			Jerry Behn
S-5032	S.F.	2088	Jack Hatch
S-5033	S.F.	2088	Keith A. Kreiman
S-5034	S.F.	2096	Keith A. Kreiman
S-5035	S.F.	2088	Hubert Houser
			Kim Reynolds
S-5036	S.F.	2088	James A. Seymour
			Swati A. Dandekar
S-5037	S.F.	2088	Steven J. Sodders
			Larry Noble
			Tom Hancock
S-5038	S.F.	2088	David Hartsuch
S-5039	S.F.	2088	David Hartsuch
S-5040	S.F.	2088	Randy Feenstra
S-5041	S.F.	2088	William A. Dotzler, Jr.
			Matt McCoy
			Staci Appel
			Tom Rielly
S-5042	S.F.	2088	David Hartsuch
			Jerry Behn

S-5043	S.F.	2088	Steven J. Sodders
S-5044	S.F.	434	House

# JOURNAL OF THE SENATE

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TWENTY-THIRD CALENDAR DAY  
FOURTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 2, 2010

The Senate met in regular session at 8:45 a.m., President Kibbie presiding.

Prayer was offered by The Most Reverend Jerome Hanus, Archbishop of Dubuque, Iowa. He was the guest of Senators Jochum, Johnson, and Rielly.

The Journal of Monday, February 1, 2010, was approved.

## INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Tomas Rodriguez, the governor's appointee to be the State Public Defender. He was the guest of Senator Hogg and the committee on Judiciary.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 8:49 a.m. until 5:00 p.m.

## APPENDIX—1

### 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 ECONOMIC DEVELOPMENT

IDED FY 2009 Annual Report, pursuant to 2000 Iowa Acts, HF 2450. Report received on January 29, 2010.

#### DEPARTMENT OF HUMAN RIGHTS

Commission of Native American Affairs 2009 Annual Report, pursuant to Iowa Code section 216A.170. Report received on February 1, 2010.

#### DEPARTMENT OF MANAGEMENT

Standing Appropriation Report for FY 2008 and FY 2009, pursuant to Iowa Code section 8.6(2). Report received on February 2, 2010.

#### DEPARTMENT OF TRANSPORTATION

Midwest Regional Rail Transport Report, pursuant to Iowa Code sections 327J.3(1) and 327J.3(5). Report received on February 1, 2010.

2009 Registered Flex Fuel Vehicle Report, pursuant to Iowa Code section 452.33(3). Report received on February 1, 2010.

### CERTIFICATES OF RECOGNITION

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

Clifford and Edna Lee, Onawa—For celebrating their 75<sup>th</sup> wedding anniversary. Senator Seymour (2/2/10).

Peter Graham, Missouri Valley—In honor of his retirement as editor of the Missouri Valley Times-News after an Iowa newspaper career spanning 40 years. Senator Seymour (2/2/10).



## REPORTS OF COMMITTEE MEETINGS

### ENVIRONMENT AND ENERGY INDEPENDENCE

**Convened:** Monday, February 1, 2010, 4:10 p.m.

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

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

**Committee Business:** Assigned bills. Approved governor's appointees. Passed SF 3061, as amended, and approved SSB 3116.

**Adjourned:** 4:25 p.m.

### HUMAN RESOURCES

**Convened:** Tuesday, February 2, 2010, 2:30 p.m.

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

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

**Committee Business:** Approved governor's appointees.

**Adjourned:** 2:35 p.m.

### REBUILD IOWA

**Convened:** Tuesday, February 2, 2010, 1:10 p.m.

**Members Present:** Hogg, Chair; Heckroth, Vice Chair; Hamerlinck, Ranking Member; Appel, Dandekar, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart.

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

**Committee Business:** Presentation on the Indian Creek Nature Center.

**Adjourned:** 1:30 p.m.

### VETERANS AFFAIRS

**Convened:** Tuesday, January 19, 2010, 3:10 p.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:** Discussed SF 189.

**Adjourned:** 3:20 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES**

**Convened:** Tuesday, February 2, 2010, 10:15 a.m.

**Members Present:** Seng, Chair; Hahn, Ranking Member; and Wilhelm.

**Members Absent:** Black, Vice Chair; and Houser (both excused).

**Committee Business:** Presentations by the Iowa State Parks Conservation and Recreation Department and the Deputy Director of Honey Creek.

**Adjourned:** 11:20 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** Tuesday, February 2, 2010, 10:05 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations by the Legislative Services Agency's Fiscal Services Division and Iowa Workforce Development.

**Adjourned:** 11:25 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** Tuesday, February 2, 2010, 10:10 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations by the Department of Transportation.

**Adjourned:** 11:40 a.m.

## INTRODUCTION OF BILLS

**Senate File 2159**, by McKinley, a bill for an act relating to the disposition of certain former school district funds by the director of the department of education and including effective date, validation, and retroactive applicability provisions.

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

**Senate File 2160**, by Hancock, a bill for an act authorizing the modification of the designation of a gaming enforcement officer.

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

**Senate File 2161**, by committee on State Government, a bill for an act providing an exception to licensing requirements for certain bingo occasions.

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

**Senate File 2162**, by McCoy, a bill for an act relating to jurisdictional changes to small claims court cases.

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

**Senate File 2163**, by McCoy, Danielson, and Appel, a bill for an act relating to vision screenings for students, and including applicability provisions.

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

**Senate File 2164**, by McCoy and Dandekar, a bill for an act relating to the annual report on research activities tax credit claims by the department of revenue and including effective date and retroactive applicability provisions.

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

**Senate File 2165**, by McCoy and Dandekar, a bill for an act relating to the department of revenue's annual report on research activities tax credit claims and including effective date and retroactive applicability provisions.

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

**Senate File 2166**, by Seng, a bill for an act concerning requirements for granting a new license to conduct gambling games on a gambling boat or structure in a county with an existing gambling boat or structure.

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

**Senate File 2167**, by Stewart, a bill for an act relating to authorized forms of investment for contributions to the Iowa educational savings plan trust.

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

**Senate File 2168**, by Ragan, Hogg, Kibbie, Hatch, Kreiman, Beall, Bolkcom, Appel, McCoy, Dotzler, Schmitz, Jochum, and Warnstadt, a bill for an act relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative.

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

## STUDY BILLS RECEIVED

**SSB 3190      Transportation**

Relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void.

**SSB 3191      Commerce**

Relating to charitable solicitations, by providing for registration requirements, providing for fees and appropriations, imposing penalties, and including effective date provisions.

**SSB 3192      Labor and Business Relations**

Relating to the regulation of professional and amateur mixed martial arts matches and events by the labor commissioner and providing penalties.

**SSB 3193      Agriculture**

Relating to grain transactions by regulating grain dealers and warehouse operators, providing for fees, and making penalties applicable.

**SSB 3194      Agriculture**

Providing an exemption for electrical installations on farms from licensing and inspections, and including effective date provisions.

**SSB 3195      Commerce**

Relating to the Iowa life and health insurance guaranty association regarding coverage, benefits, duties, powers, rights, the operation of the Iowa life and health insurance guaranty association, and the coordination of coverage and benefits with those of similar associations of other states, and to the Iowa insurance guaranty association with respect to covered claims, benefits, limitations, duties, and powers of the Iowa insurance guaranty association, and coordination and cooperation by it with similar associations of other states.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2025**

HUMAN RESOURCES: Bolkom, Chair; Hatch and Johnson

**Senate File 2106**

TRANSPORTATION: Rielly, Chair; Hancock and Noble

**Senate File 2112**

LABOR AND BUSINESS RELATIONS: Jochum, Chair; Hatch and Wieck

**Senate File 2119**

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Courtney and Ward

**Senate File 2131**

TRANSPORTATION: Rielly, Chair; Hancock and Noble

**Senate File 2147**

JUDICIARY: Hogg, Chair; Kreiman and Ward

**Senate File 2152**

AGRICULTURE: Kibbie, Chair; Courtney and Johnson

**Senate File 2154**

COMMERCE: Rielly, Chair; Kettering and Warnstadt

**Senate File 2155**

TRANSPORTATION: Beall, Chair; Dandekar and Hahn

**Senate File 2160**

STATE GOVERNMENT: Soddors, Chair; Behn and Dearden

**Senate File 2167**

COMMERCE: Stewart, Chair; Hartsuch and Schmitz

**House File 674**

JUDICIARY: Hancock, Chair; Noble and Quirmbach

**House File 681**

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Dearden and Ward

**House File 2111**

COMMERCE: Bolkcom, Chair; Dandekar and Ward

**House File 2137**

VETERANS AFFAIRS: Danielson, Chair; Black and Seymour

**SSB 3189**  
(Reassigned)

REBUILD IOWA: Hogg, Chair; Houser and Stewart

**SSB 3190**

TRANSPORTATION: Rielly, Chair; Hancock and Kapucian

**SSB 3191**

COMMERCE: Courtney, Chair; Hartsuch and Schmitz

**SSB 3192**

LABOR AND BUSINESS RELATIONS: Dotzler, Chair; Dearden and Wieck

**SSB 3193**

AGRICULTURE: Fraise, Chair; Courtney and Kapucian

**SSB 3194**

AGRICULTURE: Olive, Chair; Kapucian and Rielly

**SSB 3195**

COMMERCE: Heckroth, Chair; Olive and Wieck

## FINAL COMMITTEE REPORT OF BILL ACTION

### STATE GOVERNMENT

**Bill Title:** SENATE FILE 2161 (formerly SF 2049), a bill for an act providing an exception to licensing requirements for certain bingo occasions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Appel, Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck. 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 committee:

H.F.	674	Judiciary
H.F.	2137	Veterans Affairs



## EVENING SESSION

The Senate reconvened at 5:10 p.m., President Kibbie presiding.

The Senate stood at ease at 5:12 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:30 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2138, 2117, 2110, 2108, 2075, and 2074.

**Senate File 2138**

On motion of Senator Schoenjahn, **Senate File 2138**, a bill for an act relating to the rights of a donee created by an anatomical gift, 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. 2138), 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 2117

On motion of Senator Ragan, **Senate File 2117**, a bill for an act to allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses, was taken up for consideration.

Senator Ragan offered amendment S-5016, filed by her on January 28, 2010, to page 1 of the bill, and moved its adoption.

Amendment S-5016 was adopted by a voice vote.

Senator Ragan 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. 2117), 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 2110

On motion of Senator Quirmbach, **Senate File 2110**, a bill for an act updating references to the federal Truth in Lending Act, was taken up for consideration.

Senator Quirmbach asked and received unanimous consent that **House File 2131** be **substituted** for **Senate File 2110**.

### House File 2131

On motion of Senator Quirmbach, **House File 2131**, a bill for an act updating references to the federal Truth in Lending Act, was taken up for consideration.

Senator Quirmbach 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. 2131), 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.

## WITHDRAWN

Senator Quirmbach asked and received unanimous consent that **Senate File 2110** be **withdrawn** from further consideration of the Senate.

**Senate File 2108**

On motion of Senator Jochum, **Senate File 2108**, a bill for an act relating to artisan's liens and Iowa's consumer frauds Act and making remedies applicable, was taken up for consideration.

Senator Jochum offered amendment S-5045, filed by her from the floor to page 2 and amending the title page of the bill, and moved its adoption.

Amendment S-5045 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. 2108), 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 2075

On motion of Senator Olive, **Senate File 2075**, a bill for an act requiring reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances and providing an applicability date, was taken up for consideration.

Senator Olive 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. 2075), 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.

President Pro Tempore Danielson took the chair at 5:50 p.m.

## Senate File 2074

On motion of Senator Kibbie, **Senate File 2074**, a bill for an act relating to ethics laws by establishing disclosure requirements, providing jurisdictional authority, and allowing certain procedures in resolving ethics complaints, and including effective date provisions, was taken up for consideration.

Senator Kibbie asked and received unanimous consent that **House File 2109** be **substituted** for **Senate File 2074**.

### House File 2109

On motion of Senator Kibbie, **House File 2109**, a bill for an act relating to ethics laws by establishing disclosure requirements, providing jurisdictional authority, and allowing certain procedures in resolving ethics complaints, and including effective date provisions, 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. 2109), 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 2074** be **withdrawn** from further consideration of the Senate.

## 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:

Evelyn Rank, Accountancy Examining Board

Victoria Nwasike, Commission on the Status of African-Americans

Rex Jones, Board of Chiropractic

Theresa Rasch, Prevention of Disabilities Policy Council

Lorna Puntillo, Environmental Protection Commission

Khara Washington, Generation Iowa Commission

Ruth Smith, Iowa Great Places Board

Phyllis Hansell, Council on Human Services

Michele Rosenboom, Interior Design Examining Board

Herb Copley, IowaAccess Advisory Council

Ning Chia, Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Joni Dittmer, Iowa Jobs Board

William Cameron, Board of Massage Therapy

Bonni Leiserowitz, Board of Massage Therapy

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.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2075, 2108, 2117, and 2138** and **House Files 2109 and 2131** 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 2, 2010, **amended and passed** the following bill in which the concurrence of the House was asked:

**Senate File 2062**, A bill for an act providing for a retirement incentive program for state employees and including effective date provisions. (S-5047)

ALSO: That the House has on February 2, 2010, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 2195**, a bill for an act concerning fine arts projects in state buildings.

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

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:03 p.m. until 8:45 a.m., Wednesday, February 3, 2010.



## APPENDIX—2

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

2009 Endow Iowa Report, pursuant to 2009 Iowa Acts, HF 544, section 11. Report received on February 2, 2010.

### REPORTS OF COMMITTEE MEETINGS

#### ECONOMIC GROWTH

**Convened:** Tuesday, February 2, 2010, 3:45 p.m.

**Members Present:** Stewart, Chair; Olive, Vice Chair; Houser, Ranking Member; Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, and Wilhelm.

**Members Absent:** None.

**Committee Business:** Approved governor's appointees. Passed SF 2019, as amended. Presentation by the Department of Cultural Affairs.

**Adjourned:** 4:15 p.m.

#### EDUCATION

**Convened:** Tuesday, February 2, 2010, 4:35 p.m.

**Members Present:** Schmitz, Chair; Schoenjahn, Vice Chair; Boettger, Ranking Member; Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, Quirnbach, and Wilhelm.

**Members Absent:** McKinley and Sadders (both excused).

**Committee Business:** Approved governor's appointees. Passed SF 2058.

**Adjourned:** 5:15 p.m.

**LABOR AND BUSINESS RELATIONS**

**Convened:** Tuesday, February 2, 2010, 4:35 p.m.

**Members Present:** Courtney, Chair; Jochum, Vice Chair; Ward, Ranking Member; Dearden, Dotzler, Hatch, Horn, Wieck, and Zaun.

**Members Absent:** Gronstal and Houser (both excused).

**Committee Business:** Passed SF 2011, as amended, and approved SSB 3057. Approved governor's appointees.

**Adjourned:** 4:45 p.m.

**NATURAL RESOURCES**

**Convened:** Tuesday, February 2, 2010, 3:35 p.m.

**Members Present:** Dearden, Chair; Hancock, Vice Chair; Hahn, Ranking Member; Bartz, Black, Bolkcom, Fraise, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng.

**Members Absent:** None.

**Committee Business:** Presentation by the Department of Natural Resources. Approved governor's appointee.

**Adjourned:** 4:30 p.m.

**TRANSPORTATION**

**Convened:** Tuesday, February 2, 2010, 2:30 p.m.

**Members Present:** Rielly, Chair; Beall, Vice Chair; Noble, Ranking Member; Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, Reynolds, Warnstadt, and Zaun.

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

**Committee Business:** Passed SF 2055, as amended, and SF 2036.

**Recessed:** 2:35 p.m.

**Reconvened:** 2:45 p.m.

**Adjourned:** 3:00 p.m.

**VETERANS AFFAIRS**

**Convened:** Tuesday, February 2, 2010, 1:10 p.m.

**Members Present:** Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, and Wieck.

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

**Committee Business:** Discussed SSB 3118.

**Adjourned:** 1:35 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** Tuesday, February 2, 2010, 10:10 a.m.

**Members Present:** Danielson, Chair; Jochum, Vice Chair; Bartz, Ranking Member; Behn and Kreiman.

**Members Absent:** None.

**Committee Business:** Presentation by the Secretary of State.

**Adjourned:** 11:10 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** Tuesday, February 2, 2010, 10:15 a.m.

**Members Present:** Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Hartsuch and Schmitz.

**Members Absent:** None.

**Committee Business:** Update on Medicaid, renewal of the IowaCare program, and governor's Health and Human Services general fund recommendations.

**Adjourned:** 11:15 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** Tuesday, February 2, 2010, 10:15 a.m.

**Members Present:** Hancock, Chair; Noble, Ranking Member; Fraise and Zaun.

**Members Absent:** Hogg, Vice Chair (excused).

**Committee Business:** Presentations by the Legislative Services Agency and the Department of Public Safety.

**Adjourned:** 11:20 a.m.

## INTRODUCTION OF BILLS

**Senate File 2169**, by Hartsuch, a bill for an act relating to the exclusion of gametes, testes, and ovaries under the revised uniform anatomical gift Act.

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

**Senate File 2170**, by Danielson, a bill for an act providing an appropriation for matching funds for area health education centers.

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

**Senate File 2171**, by Hartsuch, a bill for an act relating to grandparent and great-grandparent visitation.

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

**Senate File 2172**, by Danielson, a bill for an act relating to licensure of persons for the installation and maintenance of geothermal heat pump systems and making penalties applicable.

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

**Senate File 2173**, by committee on Environment and Energy Independence, 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 under Rule 28 and **placed on calendar**.

**Senate File 2174**, by committee on Environment and Energy Independence, a bill for an act relating to beautification grants to be awarded from the solid waste account of the groundwater protection fund.

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

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 2001**

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Johnson

**Senate File 2153**

EDUCATION: Heckroth, Chair; Dvorsky and Hamerlinck

**Senate File 2159**

EDUCATION: Quirmbach, Chair; Dvorsky and McKinley

**Senate File 2168**

HUMAN RESOURCES: Dotzler, Chair; Bolkcom and Johnson

**Senate File 2169**

HUMAN RESOURCES: Bolkcom, Chair; Hartsuch and Hatch

**House File 2110**

VETERANS AFFAIRS: Beall, Chair; Ragan and Seymour

**SSB 3136**  
(Reassigned)

EDUCATION: Dvorsky, Chair; Hamerlinck and Soddors

**FINAL COMMITTEE REPORTS OF BILL ACTION**

**STATE GOVERNMENT**

**Bill Title:** \*HOUSE FILE 777, a bill for an act relating to open records and public meetings, including the creation of the open meetings, public records, and privacy advisory committee.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5046.

**Final Vote:** Ayes, 11: Appel, Kibbie, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, Seymour, and Sodders. Nays, 4: Feenstra, Behn, Hartsuch, and Wieck. 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 State Government Committee on House File 777, and they were attached to the committee report.

### ENVIRONMENT AND ENERGY INDEPENDENCE

**Bill Title:** SENATE FILE 2173 (SSB 3116), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Black, Hogg, Behn, Bolcom, Hancock, Reynolds, Rielly, Stewart, Ward, and Wilhelm. Nays, none. Absent, 1: Hartsuch.

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

### ALSO:

**Bill Title:** \*SENATE FILE 2174 (SSB 3061), a bill for an act relating to beautification grants to be awarded from the solid waste account of the groundwater protection fund.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Black, Hogg, Behn, Hancock, Reynolds, Rielly, Stewart, Ward, and Wilhelm. Nays, 1: Bolcom. Absent, 1: Hartsuch.

**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 Environment and Energy Independence Committee on Senate File 2174, and they were attached to the committee report.

## GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

### ECONOMIC GROWTH

Willard Boyd – Iowa Jobs Board  
Kate Gronstal – Iowa Jobs Board

Jeffrey Pomeranz – Iowa Jobs Board

Toi Sullivan – Iowa Jobs Board

Nancy Kasperek – Small Business Advisory Council

#### **EDUCATION**

Linda Louko – Iowa Autism Council

Ana Lopez-Dawson – State Board of Education

Mikeal Cass – Iowa Empowerment Board

Glynis Coutee – Technology Governance Board

#### **HUMAN RESOURCES**

Blaine Donaldson – Board of Behavioral Science

#### **LABOR AND BUSINESS RELATIONS**

Brita Van Horne – Plumbing and Mechanical Systems Examining Board

Deborah Groene – Iowa Workforce Development Board

#### **NATURAL RESOURCES**

Dennis Schemmel – Natural Resource Commission

### **GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

#### **HUMAN RESOURCES**

Charles J. Krogmeier – Director of the Department of Human Services

### **REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR**

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Kay Pence – Electrical Examining Board

## AMENDMENTS FILED

S-5045	S.F.	2108	Pam Jochum
S-5046	H.F.	777	State Government
S-5047	S.F.	2062	House



# JOURNAL OF THE SENATE

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TWENTY-FOURTH CALENDAR DAY  
FIFTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 3, 2010

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

Prayer was offered by the Honorable Staci Appel, member of the Senate from Warren County, Ackworth, Iowa.

The Journal of Tuesday, February 2, 2010, was approved.

## INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Bret Mills, the governor's appointee to be the Director of the Department of Economic Development. He was the guest of Senator Stewart and the committee on Economic Growth.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:53 a.m. until 8:45 a.m., Thursday, February 4, 2010.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Roger Hatteburg, Burlington—In honor of his retirement. Senator Courtney (2/3/10).

Iowa Small Business Development Centers for fostering the growth of Iowa small businesses; Sarah Gall, owner of The Runner's Flat, for receiving the 2009 Deb Dalziel Woman Entrepreneur Achievement Award; and Gina Blean and Kelly Heysinger, owners of Unified Therapy Services, Inc., for receiving the 2009 Neal Smith Entrepreneur of the Year Award. Senators Danielson, Dotzler, and Jochum (2/3/10).

Addline D. Jensen—For celebrating her 75<sup>th</sup> birthday. Senator Dandekar (2/3/10).

Dorothy Lind, Burlington—For celebrating her 91<sup>st</sup> birthday. Senator Courtney (2/3/10).

Steve and Judy Mellinger, Sperry—For celebrating their 40<sup>th</sup> wedding anniversary. Senator Courtney (2/3/10).

Eloise Burgus Oetken, Burlington—For celebrating her 80<sup>th</sup> birthday. Senator Courtney (2/3/10).

Glenn D. Olomon, Burlington—For celebrating his 80<sup>th</sup> birthday. Senator Courtney (2/3/10).

Larry and Janet Peterson, Burlington—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Courtney (2/3/10).

Darwin and Linda Wolford, Burlington—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Courtney (2/3/10).

### REPORT OF COMMITTEE MEETING

#### COMMERCE

**Convened:** Wednesday, February 3, 2010, 2:05 p.m.

**Members Present:** Heckroth, Vice Chair; Wieck, Ranking Member; Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward.

**Members Absent:** Warnstadt, Chair (excused).

**Committee Business:** Approved SSBs 3090, 3154, and 3181.

**Adjourned:** 2:45 p.m.

## INTRODUCTION OF BILLS

**Senate File 2175**, by committee on Veterans Affairs, a bill for an act providing for representation of military veterans on certain mental health policy bodies.

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

**Senate File 2176**, by Hartsuch, a bill for an act relating to the validity in other jurisdictions of a marriage solemnized in Iowa.

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

**Senate File 2177**, by Kettering, McKinley, Behn, Seymour, Wieck, Hartsuch, Reynolds, Ward, Noble, Kapucian, Feenstra, Bartz, Boettger, Hahn, Houser, Hamerlinck, Zaun, and Johnson, a bill for an act relating to the use of revenue or appropriations bonding authority by the state.

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

**Senate File 2178**, by committee on Education, a bill for an act relating to textbooks and laptop computers or other personal portable computing devices adopted for use by school districts and provided to public and accredited nonpublic school students.

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

**Senate File 2179**, by committee on Transportation, a bill for an act concerning the use of child restraint systems or seat belts by motor vehicle passengers who are minors and making a penalty applicable.

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

**Senate File 2180**, by Reynolds and Warnstadt, a bill for an act allowing county treasurers to collect restitution owed to a district court, certain debts owed to or being collected by the state, and delinquent debt owed to the clerk of the district court from a person renewing a vehicle registration, and providing a fee.

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

**Senate File 2181**, by committee on Labor and Business Relations, 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.

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

#### STUDY BILLS RECEIVED

##### **SSB 3196      Rebuild Iowa**

Creating a disaster recovery fund and including effective date and applicability provisions.

##### **SSB 3197      Appropriations**

Making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date provisions.

#### SUBCOMMITTEE ASSIGNMENTS

##### **Senate File 2134** (Reassigned)

JUDICIARY: Quirnbach, Chair; Soddors and Ward

##### **Senate File 2135** (Reassigned)

JUDICIARY: Quirnbach, Chair; Kettering and Warnstadt

##### **Senate File 2164**

WAYS AND MEANS: Jochum, Chair; Bolkcom and Zaun

**Senate File 2165**

WAYS AND MEANS: Jochum, Chair; Bolkcom and Zaun

**Senate File 2166**

STATE GOVERNMENT: Dearden, Chair; Horn and Seymour

**Senate File 2172**

STATE GOVERNMENT: Danielson, Chair; Courtney and Feenstra

**House File 2195**

ECONOMIC GROWTH: Dotzler, Chair; Reynolds and Schmitz

**SSB 3196**

REBUILD IOWA: Hogg, Chair; Hamerlinck and Heckroth

**SSB 3197**

APPROPRIATIONS: Dvorsky, Chair; Hatch, Johnson, Kettering, and Schoenjahn

**FINAL COMMITTEE REPORTS OF BILL ACTION**

**EDUCATION**

**Bill Title:** SENATE FILE 2178 (formerly SF 2058), a bill for an act relating to textbooks and laptop computers or other personal portable computing devices adopted for use by school districts and provided to public and accredited nonpublic school students.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Schmitz, Schoenjahn, Boettger, Appel, Beall, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, and Wilhelm. Nays, 2: Dvorsky and Quirmbach. Absent, 2: McKinley and Sodders.

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

**LABOR AND BUSINESS RELATIONS**

**Bill Title:** SENATE FILE 2181 (SSB 3057), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Courtney, Jochum, Ward, Dearden, Dotzler, Hatch, Horn, Wieck, and Zaun. Nays, none. Absent, 2: Gronstal and Houser.

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

### TRANSPORTATION

**Bill Title:** SENATE FILE 2179 (formerly SF 2055), a bill for an act concerning the use of child restraint systems or seat belts by motor vehicle passengers who are minors and making a penalty applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, 1: McCoy.

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

### VETERANS AFFAIRS

**Bill Title:** SENATE FILE 2175 (SSB 3118), a bill for an act providing for representation of military veterans on certain mental health policy bodies.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, and Wieck. Nays, none. Absent, 1: Sodders.

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

## BILL ASSIGNED TO COMMITTEE

President Kibbie announced that **House File 2195** was assigned to the **Economic Growth** committee.

# JOURNAL OF THE SENATE

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TWENTY-FIFTH CALENDAR DAY  
SIXTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 4, 2010

The Senate met in regular session at 8:46 a.m., President Kibbie presiding.

Prayer was offered by Candy Boucher who sang “The Lord’s Prayer”. She was the guest of Senator Jochum.

The Journal of Wednesday, February 3, 2010, was approved.

## 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 3, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 2148**, a bill for an act relating to eligible lenders for the home ownership assistance program for military members.

Read first time and referred to committee on **Economic Growth**.

**House File 2183**, a bill for an act relating to the organization and duties of the state board of health.

Read first time and attached to **companion Senate File 2148**.

## BILL REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that **Senate File 2174** be referred from the Regular Calendar to the committee on **Appropriations**.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Hogg, until he arrives, on request of Senator Stewart; Senator Hatch, until he arrives, on request of Senator Ragan; and Senators Boettger and Wieck, until they arrive, on request of Senator McKinley.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2076.

**Senate File 2076**

On motion of Senator Stewart, **Senate File 2076**, a bill for an act relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions, was taken up for consideration.

(Senate File 2076 was deferred.)

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 9:28 a.m., President Kibbie presiding.

The Senate resumed consideration of **Senate File 2076**.

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. 2076), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

## HOUSE AMENDMENT CONSIDERED

### Senate File 2062

Senator Gronstal called up for consideration **Senate File 2062**, a bill for an act providing for a retirement incentive program for state employees and including effective date provisions, amended by the House in House amendment S-5047, filed February 2, 2010.

Senator Appel 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 Appel 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. 2062), the vote was:

Yeas, 41:

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

Nays, 6:

Bartz	Feenstra	Hartsuch
Behn	Hahn	Houser

Absent, 3:

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

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2151.

#### **Senate File 2151**

On motion of Senator Dvorsky, **Senate File 2151**, a bill for an act relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2151), the vote was:

Yeas, 31:

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

Nays, 16:

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

Absent, 3:

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

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2062, 2076, and 2151** be **immediately messaged** to the House.

### CONFIRMATION OF GOVERNOR'S APPOINTMENTS (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Charles J. Krogmeier as Director of the Department of Human Services, placed on the Individual Confirmation Calendar on February 2, 2010, found on page 259 of the Senate Journal.

Senator Ragan moved that the foregoing appointment be confirmed by the Senate.

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

Yeas, 47:

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

Nays, none.

Absent, 3:

Boettger	Hatch	Wieck
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Bret Mills as Director of the Department of Economic Development, placed on the Individual Confirmation Calendar on January 28, 2010, found on page 204 of the Senate Journal.

Senator Stewart moved that the foregoing appointment be confirmed by the Senate.

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

Yeas, 47:

Appel	Feenstra	Johnson	Rielly
Bartz	Fraise	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hartsuch	McKinley	Stewart
Dandekar	Heckroth	Noble	Ward

Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Quirnbach	Wilhelm
Dotzler	Houser	Ragan	Zaun
Dvorsky	Jochum	Reynolds	

Nays, none.

Absent, 3:

Boettger	Hatch	Wieck
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

### 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:

Blaine Donaldson, Board of Behavioral Science

Ana Lopez-Dawson, State Board of Education

Mikeal Cass, Iowa Empowerment Board

Arlene Samona, Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Willard Boyd, Iowa Jobs Board

Kate Gronstal, Iowa Jobs Board

Jeffrey Pomeranz, Iowa Jobs Board

Toi Sullivan, Iowa Jobs Board

Dennis Schemmel, Natural Resource Commission

Brita Van Horne, Plumbing and Mechanical Systems Examining Board

Glynis Coutee, Technology Governance Board

Deborah Groene, Iowa Workforce Development Board

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

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

Yeas, 47:

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

Nays, none.

Absent, 3:

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

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:50 a.m. until 10:00 a.m., Monday, February 8, 2010.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### ECONOMIC GROWTH

**Convened:** Thursday, February 4, 2010, 3:15 p.m.

**Members Present:** Stewart, Chair; Olive, Vice Chair; Beall, Dandekar, Dotzler, Hamerlinck, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, and Wilhelm.

**Members Absent:** Houser, Ranking Member; Hatch and Wieck (all excused).

**Committee Business:** Approved SSB 3064, as amended. Passed SF 2085. Presentation by the Iowa Finance Authority.

**Adjourned:** 3:45 p.m.

#### JUDICIARY

**Convened:** Wednesday, February 3, 2010, 3:10 p.m.

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

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

**Committee Business:** Approved SSBs 3021, 3026, 3095, 3107, 3141, 3148, 3150, and 3188. Passed SF 2031 and 2147. Approved governor's appointee.

**Adjourned:** 3:55 p.m.

#### NATURAL RESOURCES

**Convened:** Thursday, February 4, 2010, 3:00 p.m.

**Members Present:** Dearden, Chair; Hancock, Vice Chair; Hahn, Ranking Member; Bartz, Black, Fraise, Johnson, Kettering, Noble, Ragan, and Schoenjahn.

**Members Absent:** Bolkom and Seng (both excused).

**Committee Business:** Passed SF 2120. Approved governor's appointee.

**Adjourned:** 3:10 p.m.

#### REBUILD IOWA

**Convened:** Thursday, February 4, 2010, 1:10 p.m.

**Members Present:** Hogg, Chair; Heckroth, Vice Chair; Hamerlinck, Ranking Member; Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Jochum, Reynolds, and Stewart.

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

**Committee Business:** Presentation by the Rebuild Iowa Office.

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

## STATE GOVERNMENT

**Convened:** Wednesday, February 3, 2010, 4:05 p.m.

**Members Present:** Appel, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck.

**Members Absent:** None.

**Committee Business:** Approved SSB 3117, as amended, and SSBs 3068, 3184, and 3185. Passed SFs, 2059, 2068, 2125, and 2129, all as amended.

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

**Reconvened:** 4:40 p.m.

**Adjourned:** 5:15 p.m.

## TRANSPORTATION

**Convened:** Thursday, February 4, 2010, 2:05 p.m.

**Members Present:** Rielly, Chair; Beall, Vice Chair; Noble, Ranking Member; Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, Reynolds, Warnstadt, and Zaun.

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

**Committee Business:** Approved SSBs 3113 and 3190. Presentation by the Department of Transportation.

**Adjourned:** 2:40 p.m.

## APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** Thursday, February 4, 2010, 10:10 a.m.

**Members Present:** Danielson, Chair; Jochum, Vice Chair; Bartz, Ranking Member; and Kreiman.



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

**Committee Business:** Presentation by the Department of Revenue.

**Adjourned:** 11:05 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** Thursday, February 4, 2010, 10:05 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations by the Department of Economic Development and the Office of Energy Independence.

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

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** Thursday, February 4, 2010, 10:15 a.m.

**Members Present:** Hancock, Chair; Hogg, Vice Chair; Noble, Ranking Member; Fraise and Zaun.

**Members Absent:** None.

**Committee Business:** Presentations by the Board of Parole and the State Public Defender.

**Adjourned:** 11:20 a.m.

### **INTRODUCTION OF BILLS**

**Senate File 2182**, by Kibbie, Olive, Gronstal, Kettering, and Johnson, a bill for an act modifying provisions applicable to the formation and operation of electric power agencies.

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

**Senate File 2183**, by Warnstadt, 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, declarations for disposition of remains, and motor vehicle financial responsibility exemptions.

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

**Senate File 2184**, by committee on Economic Growth, a bill for an act relating to eligible lenders for the home ownership assistance program for military members.

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

**Senate File 2185**, by Johnson, a bill for an act relating to compliance with state physical education and health course standards by school districts and accredited nonpublic schools.

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

**Senate File 2186**, by Reynolds, Black, Kapucian, and Schoenjahn, 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.

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

**Senate File 2187**, by Dotzler, Dearden, Kapucian, and Wieck, a bill for an act relating to the school calendar and school start dates and providing effective and applicability dates.

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

**Senate File 2188**, by committee on Transportation, a bill for an act allowing a temporary exemption from axle weight limitations for a vehicle or combination vehicles operating with a nonsteerable retractable axle raised while making a turn of ninety degrees or less.

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

**Senate File 2189**, by committee on Judiciary, a bill for an act relating to judgment liens on homesteads.

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

**Senate File 2190**, by committee on Judiciary, a bill for an act relating to an exemption for a debtor's personal property from execution by creditors in a bankruptcy action.

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

**Senate File 2191**, by committee on Commerce, 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.

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

**Senate File 2192**, by committee on Commerce, a bill for an act prohibiting the running of a transfer fee covenant with the title to real property.

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

**Senate File 2193**, by committee on Labor and Business Relations, a bill for an act requiring employers to provide written information to employees about certain employment policies without written requests from employees and including applicability provisions.

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

## STUDY BILLS RECEIVED

**SSB 3198      Natural Resources**

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.

**SSB 3199      Ways and Means**

Allowing school districts to use an income surtax to raise cash reserves in addition to or instead of property taxes and including effective date and applicability provisions.

**SSB 3200      Ways and Means**

Relating to the policy administration of the tax and related laws by the department of revenue, including administration of income taxes, sales and use taxes, motor fuel taxes, property taxes, and inheritance taxes, providing for taxpayer information exchanges with the department of workforce development, making penalties applicable, and including effective date and retroactive and other applicability provisions.

**SSB 3201      Rebuild Iowa**

Relating to the purchase and sale of disaster-affected property by local governments.

**SSB 3202      Education**

Nullifying rules adopted by the educational examiners board, and relating to the contents of a complaint notice, and including effective date provisions.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 2144**

JUDICIARY: Warnstadt, Chair; Kreiman and Zaun

**Senate File 2162**

JUDICIARY: Kreiman, Chair; Ward and Warnstadt

**Senate File 2163**

EDUCATION: Dvorsky, Chair; Boettger and Wilhelm

**Senate File 2170**

APPROPRIATIONS: Dvorsky, Chair; and Kettering

**Senate File 2171**

JUDICIARY: Kreiman, Chair; Boettger and Soddors

**Senate File 2176**

LOCAL GOVERNMENT: McCoy, Chair; Quirmbach and Reynolds

**Senate File 2180**

LOCAL GOVERNMENT: Reynolds, Chair; Beall and Olive

**Senate File 2182**

ENVIRONMENT AND ENERGY INDEPENDENCE: Hancock, Chair; Behn and Rielly

**Senate File 2186**

LOCAL GOVERNMENT: Schoenjahn, Chair; Olive and Reynolds

**House File 2148**

ECONOMIC GROWTH: Beall, Chair; Kapucian and Olive

**SSB 3198**

NATURAL RESOURCES: Dearden, Chair; Black and Johnson

**SSB 3199**

WAYS AND MEANS: Hogg, Chair; Hamerlinck and Schmitz

**SSB 3200**

WAYS AND MEANS: Jochum, Chair; Bolkcom and Zaun

**SSB 3201**

REBUILD IOWA: Hogg, Chair; Hamerlinck and Horn

**SSB 3202**

EDUCATION: Schmitz, Chair; Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirnbach, Sodders, and Wilhelm

## FINAL COMMITTEE REPORTS OF BILL ACTION

**COMMERCE**

**Bill Title:** SENATE FILE 2191 (SSB 3154), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Heckroth, Wieck, Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 1: Warnstadt.

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

**ALSO:**

**Bill Title:** SENATE FILE 2192 (SSB 3181), a bill for an act prohibiting the running of a transfer fee covenant with the title to real property.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Heckroth, Wieck, Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 1: Warnstadt.

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

**ECONOMIC GROWTH**

**Bill Title:** \*SENATE FILE 2184 (formerly SF 2019), a bill for an act relating to eligible lenders for the home ownership assistance program for military members.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Stewart, Olive, Houser, Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, and Wilhelm. Nays, none. Absent, none.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth Committee on Senate File 2184, and they were attached to the committee report.

## JUDICIARY

**Bill Title:** SENATE FILE 2189 (SSB 3095), a bill for an act relating to judgment liens on homesteads.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Soddors, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Fraise.

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

## ALSO:

**Bill Title:** SENATE FILE 2190 (formerly SF 2031), a bill for an act relating to an exemption for a debtor's personal property from execution by creditors in a bankruptcy action.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Soddors, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Fraise.

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

## LABOR AND BUSINESS RELATIONS

**Bill Title:** \*SENATE FILE 2193 (formerly SF 2011), a bill for an act requiring employers to provide written information to employees about certain employment policies without written requests from employees and including applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Courtney, Jochum, Ward, Dearden, Hatch, Horn, and Wieck. Nays, 1: Zaun. Absent, 3: Dotzler, Gronstal, and Houser.

**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 Labor and Business Relations Committee on Senate File 2193, and they were attached to the committee report.

## TRANSPORTATION

**Bill Title:** \*SENATE FILE 2188 (formerly SF 2036), a bill for an act allowing a temporary exemption from axle weight limitations for a vehicle or combination vehicles operating with a nonsteerable retractable axle raised while making a turn of ninety degrees or less.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, 1: McCoy.

**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 Transportation Committee on Senate File 2188, and they were attached to the committee report.

## GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

### HUMAN RESOURCES

Roger Huston – Board of Athletic Training

### JUDICIARY

Tomas Rodriguez – State Public Defender

### NATURAL RESOURCES

Margo Underwood – Natural Resource Commission

### STATE GOVERNMENT

Mabel Mantel – Board of Nursing Home Administrators

J. Michael Tysklind – Board of Speech Pathology and Audiology

Joan Axel – Commission on the Status of Women



# JOURNAL OF THE SENATE

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TWENTY-NINTH CALENDAR DAY  
SEVENTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 8, 2010

The Senate met in regular session at 10:07 a.m., President Pro Tempore Danielson presiding.

Prayer was offered by Seminarian Ryan Klobassa of the Catholic parishes in Hancock and Winnebago Counties. He was the guest of Senator Bartz.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Caroline Dvorsky.

The Journal of Thursday, February 4, 2010, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser, Ward, and Zaun, until they arrive, on request of Senator McKinley.

## CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2109.

### **Senate File 2109**

On motion of Senator Kreiman, **Senate File 2109**, a bill for an act concerning penalties for failure to obey an official traffic control

device or signal when the violation results in death or serious injury, 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. 2109), the vote was:

Yeas, 47:

Appel	Dvorsky	Jochum	Reynolds
Bartz	Feenstra	Johnson	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	

Nays, none.

Absent, 3:

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

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2109** 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 4, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 2076**, a bill for an act relating to economic development by establishing an Iowa innovation council in the department of economic development and by providing for certain reports on innovation and commercialization within certain targeted industries.

Read first time and attached to **similar Senate File 2236**.

**House File 2200**, a bill for an act relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable.

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

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:24 a.m. until 8:45 a.m., Tuesday, February 9, 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

2009 Annual Condition of Iowa's Community Colleges, pursuant to Iowa Code section 260C. Report received on February 5, 2010.

2010 Compulsory Age Attendance Report, pursuant to 2009 Iowa Acts, SF 478. Report received on February 5, 2010.

2010 Iowa Core Curriculum Report, pursuant to Iowa Code section 256.9(59). Report received on February 5, 2010.

2010 Kindergarten Literacy Assessment Report, pursuant to Iowa Code section 279.60. Report received on February 5, 2010.

2010 Modified Allowable Growth Report, pursuant to Iowa Code section 257.40. Report received on February 5, 2010.

2010 Student Achievement, Accountability, and Professional Development Report, pursuant to Iowa Code sections 284.12 and 284.13. Report received on February 5, 2010.

## REPORTS OF COMMITTEE MEETINGS

## TRANSPORTATION

**Convened:** Monday, February 8, 2010, 2:35 p.m.

**Members Present:** Rielly, Chair; Beall, Vice Chair; Noble, Ranking Member; Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, Reynolds, Warnstadt, and Zaun.

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

**Committee Business:** Discussed SSBs 3100 and 3205.

**Adjourned:** 2:45 p.m.

## APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** Thursday, February 4, 2010, 10:10 a.m.

**Members Present:** Seng, Chair; Hahn, Ranking Member; and Wilhelm.

**Members Absent:** Black, Vice Chair; and Houser (both excused).

**Committee Business:** Presentation by the Department of Natural Resources.

**Adjourned:** 10:55 a.m.

## APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** Tuesday, February 2, 2010, 10:10 a.m.

**Members Present:** Schoenjahn, Chair; Quirnbach, Vice Chair; Boettger, Ranking Member; Feenstra and Horn.

**Members Absent:** None.

**Committee Business:** Presentation by the Legislative Services Agency, Fiscal Services Division.

**Adjourned:** 10:50 a.m.

## INTRODUCTION OF BILLS

**Senate File 2194**, by committee on State Government, a bill for an act making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions.

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

**Senate File 2195**, by committee on State Government, a bill for an act relating to campaign finance requirements and reporting.

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

**Senate File 2196**, by committee on State Government, a bill for an act relating to the administration of the election laws by the secretary of state and including effective date provisions.

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

**Senate File 2197**, by committee on Judiciary, a bill for an act relating to providing false identification information to a peace officer, emergency medical care provider, or fire fighter and providing a penalty.

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

**Senate File 2198**, by committee on Judiciary, a bill for an act relating to eluding or attempting to elude a marked law enforcement vehicle, and providing a penalty.

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

**Senate File 2199**, by committee on Local Government, a bill for an act relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, amending statutory references to certain types of home dealers, and making penalties applicable.

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

**Senate File 2200**, by committee on Judiciary, a bill for an act relating to transfer of guardianship for a child in need of assistance to the probate court.

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

**Senate File 2201**, by committee on Commerce, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the Iowa grain indemnity fund board, uniform securities Act, examination of insurance companies, life insurance companies and associations, utilization and cost control, external review of health care coverage decisions, insurance other than life, mortgage guaranty insurance, cemetery and funeral merchandise and funeral services, and regulation of cemeteries and making penalties applicable.

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

**Senate File 2202**, by committee on Human Resources, a bill for an act relating to rights of persons with disabilities.

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

**Senate File 2203**, by Olive, Black, and Hancock, a bill for an act exempting certain entities from being required to solemnize, celebrate, or promote a marriage.

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

**Senate File 2204**, by Kreiman, a bill for an act allowing the issuance of special destination park deer hunting licenses to nonresidents.

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

**Senate File 2205**, by Kreiman, a bill for an act relating to issuance of additional free deer hunting licenses to owners and tenants of farm units.

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

**Senate File 2206**, by Kreiman, a bill for an act providing for the designation of an assistant citizens' aide for children and families.

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

**Senate File 2207**, by Kreiman, a bill for an act requiring the department of workforce development to allow applicants to apply for employment opportunities through the department's internet site.

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

**Senate File 2208**, by Kreiman, a bill for an act requiring the departments of public health and public safety to analyze and report the economic effects of state licensure for electricians and plumbers.

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

**Senate File 2209**, by Kreiman, a bill for an act relating to public utility operation and regulation.

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

**Senate File 2210**, by Jochum and Ward, a bill for an act prohibiting cities and counties from adopting or enforcing ordinances that require a landlord to evict or impose certain restrictions or penalties on residential tenants and including effective date provisions.

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

**Senate File 2211**, by Kettering, a bill for an act providing for the issuance and display of one motor vehicle registration plate.

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

**Senate File 2212**, by Beall, a bill for an act requiring disclosure of certain amphetamine and methamphetamine information in real estate transactions and making penalties applicable.

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

**Senate File 2213**, by Warnstadt, 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.

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

**Senate File 2214**, by committee on State Government, a bill for an act authorizing sports betting and including an implementation provision.

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

**Senate File 2215**, by committee on State Government, a bill for an act relating to the use of genetic information and samples for genetic testing and providing for civil enforcement.

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

**Senate File 2216**, by committee on Natural Resources, a bill for an act allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty.

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



**Senate File 2217**, by committee on State Government, a bill for an act concerning the purchasing of raffle tickets.

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

**Senate File 2218**, by committee on State Government, 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.

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

**Senate File 2219**, by committee on Human Resources, a bill for an act relating to the renewal of the family planning network waiver under the medical assistance program and including contingent implementation provisions.

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

**Senate File 2220**, by committee on Transportation, 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.

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

**Senate File 2221**, by committee on Economic Growth, a bill for an act extending the time period for designating enterprise zones and including effective date provisions.

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

**Senate File 2222**, by committee on Judiciary, a bill for an act relating to Iowa's uniform disclaimer of property interest Act.

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

**Senate File 2223**, by committee on Judiciary, 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.

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

**Senate File 2224**, by committee on Local Government, a bill for an act relating to boards of administration for horizontal property.

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

**Senate File 2225**, by committee on Judiciary, 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.

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

**Senate File 2226**, by committee on Judiciary, 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.

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

**Senate File 2227**, by Hartsuch, Johnson, Feenstra, Behn, Hamerlinck, Kettering, Reynolds, and Zaun, a bill for an act eliminating the requirement that a person who acquires ownership of a pistol or revolver must apply for and be issued an annual permit to acquire a pistol or revolver.

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

**Senate File 2228**, by Kibbie and Beall, a bill for an act relating to alternate and renewable energy production by establishing an alternate and renewable energy incentive program applicable to alternate energy production facilities under specified circumstances.

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

**Senate File 2229**, by Hancock, a bill for an act relating to confinement feeding operations, by providing for common ownership and management of the operations and the application of manure originating from operations on snow covered or frozen ground, and including effective date provisions.

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

**Senate File 2230**, by Zaun, Kettering, Behn, Hamerlinck, Houser, Hahn, Feenstra, and Reynolds, a bill for an act relating to economic development by providing tax credits for new job creation and eliminating the grow Iowa values fund and financial assistance program and including retroactive and other applicability provisions.

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

**Senate File 2231**, by Zaun, Behn, Seymour, Ward, Noble, Johnson, Kapucian, Reynolds, Bartz, Hamerlinck, Houser, Hahn, and Feenstra, a bill for an act establishing a requirement for voters to provide certain identification when voting in person at the polling place.

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

**Senate File 2232**, by Heckroth, a bill for an act relating to the publication and contents of minutes of meetings of city councils and county boards of supervisors.

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

**Senate File 2233**, by Seng and McCoy, a bill for an act providing for the treatment of animals other than agricultural animals, by providing for regulation of commercial establishments, providing for reporting of threatened animals, providing for fees, providing penalties, and including effective date provisions.

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

**Senate File 2234**, by committee on Transportation, a bill for an act relating to the regulation of motor vehicle franchises.

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

**Senate File 2235**, by committee on State Government, a bill for an act requiring provision of deliverable fuels to customers under specified circumstances, and including effective date provisions.

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

**Senate File 2236**, by committee on Economic Growth, a bill for an act relating to economic development by establishing an Iowa innovation council in the department of economic development and by providing for certain reports on innovation and commercialization within certain targeted industries.

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

**Senate File 2237**, by committee on Judiciary, a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

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

**Senate File 2238**, by Danielson, a bill for an act relating to the prohibited use of government resources for lobbying activities and making penalties applicable.

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

## STUDY BILLS RECEIVED

**SSB 3203      Judiciary**

Relating to vehicular accident reporting requirements by increasing the minimum amount of property damage necessitating a written report.

**SSB 3204      Environment and Energy Independence**

Modifying provisions applicable to electric generating and transmission facilities.

**SSB 3205      Transportation**

Relating to the regulation of motor vehicles by the department of transportation, including clarification of the definition of business-trade truck and requirements for the issuance of temporary persons with disabilities parking permits.

**SSB 3206      Economic Growth**

Suspending the registration of new projects under the film, television, and video project promotion program and including effective date provisions.

**SSB 3207      Commerce**

Prohibiting price discrimination in the provision of television services, and providing remedies.

**SSB 3208      Commerce**

Concerning allowable locations for holders of a class "E" liquor control license.

**SSB 3209      Judiciary**

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and applicability provisions.

**SSB 3210      State Government**

Relating to campaign finance, including political campaign activities and independent expenditures by corporations, and making penalties applicable.

**SSB 3211      Agriculture**

Providing for management practices relating to livestock technician registration, embryo transfer, and pregnancy testing, providing penalties, and including contingent implementation and effective date provisions.

**SSB 3212      Ways and Means**

Providing for the waiver of tax penalties and interest under certain disaster loss circumstances and including effective date and retroactive applicability provisions.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2185**

EDUCATION: Dvorsky, Chair; Johnson and Quirmbach

**Senate File 2206**

STATE GOVERNMENT: Horn, Chair; Courtney and Wieck

**Senate File 2207**

ECONOMIC GROWTH: Wilhelm, Chair; Reynolds and Stewart

**Senate File 2208**

STATE GOVERNMENT: Horn, Chair; Courtney and Seymour

**Senate File 2209**

COMMERCE: McCoy, Chair; Behn and Warnstadt

**Senate File 2210**

LOCAL GOVERNMENT: Olive, Chair; Beall and Reynolds

**Senate File 2211**

TRANSPORTATION: Rielly, Chair; Hancock and Noble

**Senate File 2212**

COMMERCE: Olive, Chair; Behn and Warnstadt

**Senate File 2231**

STATE GOVERNMENT: Courtney, Chair; Feenstra and Horn

**House File 788**

COMMERCE: McCoy, Chair; Behn and Dandekar

**SSB 3203**

JUDICIARY: Sodders, Chair; Fraise and Noble

**SSB 3204**

ENVIRONMENT AND ENERGY INDEPENDENCE: Hancock, Chair; Behn and Rielly

**SSB 3205**

TRANSPORTATION: Rielly, Chair; Hancock and Reynolds

**SSB 3206**

ECONOMIC GROWTH: Dotzler, Chair; Houser and Stewart

**SSB 3207**

COMMERCE: Warnstadt, Chair; McCoy and Ward

**SSB 3208**

COMMERCE: Warnstadt, Chair; Hartsuch and Rielly

**SSB 3209**

JUDICIARY: Noble, Chair; Jochum and Sodders

**SSB 3210**

STATE GOVERNMENT: Danielson, Chair; Appel and Hartsuch

**SSB 3211**

AGRICULTURE: Fraise, Chair; Kapucian and Kibbie

**SSB 3212**

WAYS AND MEANS: Hogg, Chair; Hamerlinck and Seng

**FINAL COMMITTEE REPORTS OF BILL ACTION****COMMERCE**

**Bill Title:** \*SENATE FILE 2201 (SSB 3090), a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the Iowa grain indemnity fund board, uniform securities Act, examination of insurance companies, life insurance companies and associations, utilization and cost control, external review of health care coverage decisions, insurance other than life, mortgage guaranty insurance, cemetery and funeral merchandise and funeral services, and regulation of cemeteries and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Heckroth, Wieck, Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 1: Warnstadt.

**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 Commerce Committee on Senate File 2201, and they were attached to the committee report.

**ECONOMIC GROWTH**

**Bill Title:** SENATE FILE 2221 (formerly SF 2085), a bill for an act extending the time period for designating enterprise zones and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Stewart, Olive, Beall, Dandekar, Dotzler, Hamerlinck, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, and Wilhelm. Nays, none. Absent, 3: Houser, Hatch, and Wieck.

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



**ALSO:**

**Bill Title:** \*SENATE FILE 2236 (SSB 3064), a bill for an act relating to economic development by establishing an Iowa innovation council in the department of economic development and by providing for certain reports on innovation and commercialization within certain targeted industries.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Stewart, Olive, Beall, Dandekar, Dotzler, Hamerlinck, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, and Wilhelm. Nays, none. Absent, 3: Houser, Hatch, and Wieck.

**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 Economic Growth Committee on Senate File 2236, and they were attached to the committee report.

**HUMAN RESOURCES**

**Bill Title:** SENATE FILE 2202 (SSB 3183), a bill for an act relating to rights of persons with disabilities.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Ragan, Schmitz, Hartsuch, Bartz, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, and Wilhelm. Nays, none. Absent, 2: Boettger and Seymour.

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

**ALSO:**

**Bill Title:** \*SENATE FILE 2219 (SSB 3086), a bill for an act relating to the renewal of the family planning network waiver under the medical assistance program and including contingent implementation provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Ragan, Schmitz, Bartz, Bolkcom, Dotzler, Hatch, Kreiman, Quirnbach, and Wilhelm. Nays, 2: Hartsuch and Johnson. Absent, 2: Boettger and Seymour.

**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 Human Resources Committee on Senate File 2219, and they were attached to the committee report.

**JUDICIARY**

**Bill Title:** \*SENATE FILE 2197 (SSB 3150), a bill for an act relating to providing false identification information to a peace officer, emergency medical care provider, or fire fighter and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Soddors, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Fraise.

**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 2197, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2198 (SSB 3107), a bill for an act relating to eluding or attempting to elude a marked law enforcement vehicle, and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Soddors, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Fraise.

**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 2198, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2200 (SSB 3141), a bill for an act relating to transfer of guardianship for a child in need of assistance to the probate court.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Soddors, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Fraise.

**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 2200, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2222 (SSB 3021), a bill for an act relating to Iowa's uniform disclaimer of property interest Act.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Soddors, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Fraise.

**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 2222, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2223 (SSB 3026), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Soddors, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Fraise.

**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 2223, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2225 (formerly SF 2147), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Soddors, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Fraise.

**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 2225, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2226 (SSB 3148), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Sodders, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Fraise.

**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 2226, and they were attached to the committee report.

**ALSO:**

**Bill Title:** SENATE FILE 2237 (SSB 3188), a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Kreiman, Hogg, Kettering, Boettger, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Sodders, Ward, Warnstadt, and Zaun. Nays, none. Absent, 1: Fraise.

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

**LOCAL GOVERNMENT**

**Bill Title:** \*SENATE FILE 2199 (SSB 3133), a bill for an act relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, amending statutory references to certain types of home dealers, and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Quirnbach, Beall, Reynolds, Hamerlinck, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, none. Absent, 1: Houser.

**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 Local Government Committee on Senate File 2199, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2224 (formerly SF 2028), a bill for an act relating to boards of administration for horizontal property.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Quirnbach, Beall, Reynolds, Hamerlinck, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, none. Absent, 1: Houser.

**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 Local Government Committee on Senate File 2224, and they were attached to the committee report.

**NATURAL RESOURCES**

**Bill Title:** SENATE FILE 2216 (formerly SF 2120), a bill for an act allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Dearden, Hancock, Hahn, Bartz, Black, Fraise, Johnson, Kettering, Noble, Ragan, and Schoenjahn. Nays, none. Absent, 2: Bolcom and Seng.

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

**STATE GOVERNMENT**

**Bill Title:** SENATE FILE 2194 (SSB 3184), a bill for an act making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Appel, Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Soddors, and Wieck. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** SENATE FILE 2195 (SSB 3068), a bill for an act relating to campaign finance requirements and reporting.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Appel, Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** SENATE FILE 2196 (SSB 3185), a bill for an act relating to the administration of the election laws by the secretary of state and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Appel, Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** \*SENATE FILE 2214 (formerly SF 2129), a bill for an act authorizing sports betting and including an implementation provision.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Appel, Kibbie, Black, Courtney, Danielson, Dearden, Horn, Jochum, Sodders, and Wieck. Nays, 5: Feenstra, Behn, Hartsuch, Hatch, and Seymour. 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 State Government Committee on Senate File 2214, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2215 (formerly SF 2068), a bill for an act relating to the use of genetic information and samples for genetic testing and providing for civil enforcement.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Appel, Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck. 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 State Government Committee on Senate File 2215, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2217 (formerly SF 2059), a bill for an act concerning the purchasing of raffle tickets.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Appel, Kibbie, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, Seymour, Soddors, and Wieck. Nays, 3: Feenstra, Behn, and Hartsuch. 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 State Government Committee on Senate File 2217, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2218 (SSB 3117), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Appel, Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Soddors, and Wieck. 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 State Government Committee on Senate File 2218, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2235 (formerly SF 2125), a bill for an act requiring provision of deliverable fuels to customers under specified circumstances, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Appel, Kibbie, Feenstra, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck. Nays, 2: Behn and Hartsuch. 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 State Government Committee on Senate File 2235, and they were attached to the committee report.

## TRANSPORTATION

**Bill Title:** \*SENATE FILE 2220 (SSB 3190), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, 1: McCoy.

**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 Transportation Committee on Senate File 2220, and they were attached to the committee report.

## ALSO:

**Bill Title:** \*SENATE FILE 2234 (SSB 3113), a bill for an act relating to the regulation of motor vehicle franchises.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, 1: McCoy.

**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 Transportation Committee on Senate File 2234, and they were attached to the committee report.

## EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 8, 2010, when the vote was taken on Senate File 2109. Had I been present, I would have voted "Aye."

BRAD ZAUN



# JOURNAL OF THE SENATE

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THIRTIETH CALENDAR DAY  
EIGHTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 9, 2010

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

Prayer was offered by Pastor Richard Larson of the What Cheer Baptist Church in What Cheer, Iowa. He was the guest of Senator Rielly.

The Journal of Monday, February 8, 2010, was approved.

## 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 8, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 763**, a bill for an act relating to administrative costs to support the watershed improvement review board.

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

**House File 2233**, a bill for an act relating to expunging the conviction for certain alcohol-related offenses.

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

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:05 a.m. until 8:45 a.m., Wednesday, February 10, 2010.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Donald and Linda Dixon, Burlington—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Courtney (2/9/10).

Frank and Rosemary Ehret, Burlington—For celebrating their 65<sup>th</sup> wedding anniversary. Senator Courtney (2/9/10).

Darlene Gerdom, Burlington—For celebrating her 80<sup>th</sup> birthday. Senator Courtney (2/9/20).

Gladys Kjeer, Fort Dodge—For celebrating her 100<sup>th</sup> birthday. Senator Beall (2/9/10).

Dolores Schermer, Fort Dodge—For celebrating her 100<sup>th</sup> birthday. Senator Beall (2/9/10).

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** Tuesday, February 9, 2010, 10:35 a.m.

**Members Present:** Warnstadt, Chair; Heckroth, Vice Chair; Wieck, Ranking Member; Bolkom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward.

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

**Committee Business:** Passed SFs 2113 and 2154, both as amended. Approved SSB 3195.

**Adjourned:** 11:05 a.m.

#### ECONOMIC GROWTH

**Convened:** Tuesday, February 9, 2010, 1:05 p.m.

**Members Present:** Stewart, Chair; Olive, Vice Chair; Houser, Ranking Member; Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, and Wilhelm.

**Members Absent:** None.

**Committee Business:** Passed HF 2148.

**Adjourned:** 1:15 p.m.

## ENVIRONMENT AND ENERGY INDEPENDENCE

**Convened:** Monday, February 8, 2010, 11:10 a.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSBs 3115 and 3168, both as amended, and SSB 3177.

**Adjourned:** 11:25 a.m.

## JUDICIARY

**Convened:** Monday, February 8, 2010, 4:05 p.m.

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

**Members Absent:** None.

**Committee Business:** Passed SF 2135. Approved SSBs 1203, 3094, 3110, 3124, 3156, 3165, 3166, and 3173.

**Adjourned:** 4:55 p.m.

## LOCAL GOVERNMENT

**Convened:** Wednesday, February 3, 2010, 4:05 p.m.

**Members Present:** Quirnbach, Chair; Beall, Vice Chair; Reynolds, Ranking Member; Hamerlinck, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn.

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

**Committee Business:** Passed SFs 2024 and 2028. Approved SSB 3133.

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

**Reconvened:** 4:25 p.m.

**Adjourned:** 4:30 p.m.

**ALSO:**

**Convened:** Tuesday, February 9, 2010, 9:20 a.m.

**Members Present:** Quirmbach, Chair; Beall, Vice Chair; Reynolds, Ranking Member; Hamerlinck, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn.

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

**Committee Business:** Passed SFs 2180 and 2186, both as amended. Deferred SF 2024. Approved SSBs 3130 and 3131. Approved governor's appointee.

**Adjourned:** 9:40 a.m.

**NATURAL RESOURCES**

**Convened:** Tuesday, February 9, 2010, 1:00 p.m.

**Members Present:** Dearden, Chair; Hancock, Vice Chair; Hahn, Ranking Member; Bartz, Black, Bolkcom, Fraise, Johnson, Noble, Ragan, Schoenjahn, and Seng.

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

**Committee Business:** Approved SSBs 3119 and 3198, both as amended.

**Recessed:** 1:30 p.m.

**Reconvened:** 1:45 p.m.

**Adjourned:** 2:15 p.m.

**REBUILD IOWA**

**Convened:** Monday, February 8, 2010, 1:15 p.m.

**Members Present:** Hogg, Chair; Heckroth, Vice Chair; Hamerlinck, Ranking Member; Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart.

**Members Absent:** None.

**Committee Business:** Approved SSBs 3096 and 3097, both as amended.

**Recessed:** 1:20 p.m.

**Reconvened:** 1:30 p.m.

**Adjourned:** 1:45 p.m.

**STATE GOVERNMENT**

**Convened:** Tuesday, February 9, 2010, 9:10 a.m.

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

**Members Absent:** Behn.

**Committee Business:** Passed SFs 2166 and 2091, as amended, and SF 2160. Deferred SSBs 3004, 3066, and 3067.

**Recessed:** 9:15 a.m.

**Reconvened:** 9:25 a.m.

**Adjourned:** 9:40 a.m.

**VETERANS AFFAIRS**

**Convened:** Monday, February 8, 2010, 1:10 p.m.

**Members Present:** Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Danielson, Hartsuch, Kibbie, Noble, Ragan, Soddors, and Wieck.

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

**Committee Business:** Passed SF 2105.

**Adjourned:** 1:25 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** Thursday, February 4, 2010, 10:10 a.m.

**Members Present:** Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Hartsuch and Schmitz.

**Members Absent:** None.

**Committee Business:** Presentations on senior issues and refugee services.

**Adjourned:** 11:40 a.m.

## INTRODUCTION OF BILLS

**Senate File 2239**, by Black, a bill for an act relating to the transportation and storage of firearms in privately owned motor vehicles.

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

**Senate File 2240**, by Hahn, Noble, Feenstra, Kettering, Hartsuch, Reynolds, Kapucian, Johnson, Behn, McKinley, Dearden, Danielson, Schmitz, Rielly, Seng, Dandekar, Houser, Stewart, Hancock, and Seymour, a bill for an act to allow the use of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads.

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

**Senate File 2241**, by Ragan, a bill for an act relating to utilization of environmentally preferable cleaning and maintenance products in school facilities and state buildings.

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

**Senate File 2242**, by committee on Environment and Energy Independence, a bill for an act relating to the Iowa comprehensive petroleum underground storage tank fund.

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

**Senate File 2243**, by committee on Environment and Energy Independence, a bill for an act regarding matters under the purview of the department of natural resources, and including effective date provisions.

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

**Senate File 2244**, by Hogg, a bill for an act relating to the sales tax exemption for certain wastewater treatment or effluent treatment services.

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

**Senate File 2245**, by Olive, a bill for an act relating to the allocation of moneys under the grow Iowa values fund.

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

**Senate File 2246**, by committee on Transportation, a bill for an act relating to the regulation of motor vehicles by the department of transportation, including clarification of the definition of business-trade truck and requirements for the issuance of temporary persons with disabilities parking permits.

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

#### STUDY BILLS RECEIVED

##### **SSB 3213      Judiciary**

Relating to trusts and estates including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims, and including an applicability provision.

##### **SSB 3214      Judiciary**

Relating to the time period a no-contact order is in effect for a defendant subject to a special sentence.

##### **SSB 3215      Appropriations**

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

**SSB 3216      Judiciary**

Relating to dissemination by a young person of material depicting a sex act or nudity and sexual exploitation of a minor.

**SSB 3217      Judiciary**

Modifying sex offender registry provisions, and providing penalties and including effective date provisions.

**SSB 3218      Judiciary**

Relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date provisions.

**SSB 3219      Judiciary**

Relating to business organizations, including limited liability companies and business corporations, and providing for fees.

**SSB 3220      Judiciary**

Eliminating the preference for Iowa labor in the construction of public improvements and for Iowa domestic labor in contracts for public improvements and including applicability provisions.

**SSB 3221      Human Resources**

Relating to criteria for exemptions from admission or discharge requirements for assisted living programs which exceed their occupancy criteria.

**SSB 3222      Agriculture**

Providing separation distance requirements between confinement feeding operation structures and public parks, making penalties applicable, and including effective date provisions.



**SSB 3223      Agriculture**

Providing for the reestablishment of a technical advisory committee to reevaluate the master matrix used in approving sites for confinement feeding operations and including effective date provisions.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 2177**

APPROPRIATIONS: Dvorsky, Chair; Kettering and Warnstadt

**Senate File 2183**

VETERANS AFFAIRS: Warnstadt, Chair; Beall and Seymour

**Senate File 2203**

JUDICIARY: Kreiman, Chair; Kettering and Warnstadt

**Senate File 2204**

NATURAL RESOURCES: Dearden, Chair; Black and Hahn

**Senate File 2205**

NATURAL RESOURCES: Dearden, Chair; Black and Hahn

**Senate File 2213**

VETERANS AFFAIRS: Warnstadt, Chair; Beall and Seymour

**Senate File 2227**

JUDICIARY: Jochum, Chair; Noble and Quirnbach

**Senate File 2228**

ENVIRONMENT AND ENERGY INDEPENDENCE: Rielly, Chair; Reynolds and Stewart

**Senate File 2229**

AGRICULTURE: Hancock, Chair; Johnson and Rielly

**Senate File 2230**

ECONOMIC GROWTH: Stewart, Chair; Dotzler and Houser

**Senate File 2232**

LOCAL GOVERNMENT: Beall, Chair; Olive and Reynolds

**Senate File 2233**

WAYS AND MEANS: McCoy, Chair; Seng and Zaun

**Senate File 2238**

STATE GOVERNMENT: Danielson, Chair; Dearden and Feenstra

**Senate File 2241**

HUMAN RESOURCES: Ragan, Chair; Bartz and Bolkcom

**House File 45**  
(Reassigned)

HUMAN RESOURCES: Bolkcom, Chair; Bartz and Schmitz

**House File 2200**

NATURAL RESOURCES: Black, Chair; Bartz and Hancock

**SSB 3213**

JUDICIARY: Hogg, Chair; Horn and Ward

**SSB 3214**

JUDICIARY: Kreiman, Chair; Jochum and Noble

**SSB 3215**

APPROPRIATIONS: Danielson, Chair; Bartz and Dvorsky

**SSB 3216**

JUDICIARY: Kreiman, Chair; Ward and Warnstadt

**SSB 3217**

JUDICIARY: Kreiman, Chair; Ward and Warnstadt

**SSB 3218**

JUDICIARY: Kreiman, Chair; Noble and Schoenjahn

**SSB 3219**

JUDICIARY: Hogg, Chair; Horn and Ward

**SSB 3220**

JUDICIARY: Kreiman, Chair; Hancock and Zaun

**SSB 3221**

HUMAN RESOURCES: Schmitz, Chair; Boettger and Wilhelm

**SSB 3222**

AGRICULTURE: Sodders, Chair; Courtney and Johnson

**SSB 3223**

AGRICULTURE: Sodders, Chair; Olive and Johnson

**FINAL COMMITTEE REPORTS OF BILL ACTION**

**ECONOMIC GROWTH**

**Bill Title:** HOUSE FILE 2148, a bill for an act relating to eligible lenders for the home ownership assistance program for military members.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Stewart, Olive, Houser, Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, and Wilhelm. Nays, none. Absent, none.

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

**ENVIRONMENT AND ENERGY INDEPENDENCE**

**Bill Title:** \*SENATE FILE 2242 (SSB 3168), a bill for an act relating to the Iowa comprehensive petroleum underground storage tank fund.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Black, Hogg, Behn, Bolcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, and Wilhelm. Nays, none. Absent, 1: Ward.

**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 Environment and Energy Independence Committee on Senate File 2242, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2243 (SSB 3115), a bill for an act regarding matters under the purview of the department of natural resources, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Black, Hogg, Behn, Bolkcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, and Wilhelm. Nays, none. Absent, 1: Ward.

**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 Environment and Energy Independence Committee on Senate File 2243, and they were attached to the committee report.

**TRANSPORTATION**

**Bill Title:** SENATE FILE 2246 (SSB 3205), a bill for an act relating to the regulation of motor vehicles by the department of transportation, including clarification of the definition of business-trade truck and requirements for the issuance of temporary persons with disabilities parking permits.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, 1: McCoy.

**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 9<sup>th</sup> day of February, 2010:

Senate File 2062.

MICHAEL E. MARSHALL  
Secretary of the Senate

**PETITION**

The following petition was presented and placed on file:

From 176 residents of Senate District 4 favoring legislation to give eligible voters in the State of Iowa the opportunity to vote on the issue of same-sex marriage. Senator Kibbie.

**REPORT OF THE SECRETARY OF THE SENATE**

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2062, the following corrections were made:

- 1. Page 1, line 31: delete Og., replace with g.
- 2. Page 2, line 1: delete g, replace with h.

MICHAEL E. MARSHALL  
Secretary of the Senate

**GOVERNOR’S APPOINTEES PLACED ON  
EN BLOC CONFIRMATION CALENDAR**

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

**ECONOMIC GROWTH**

Patrick Baird – Iowa Jobs Board

**JUDICIARY**

Keith Johnson – Iowa State Civil Rights Commission

**LOCAL GOVERNMENT**

Karen Oberman – Chair of the Property Assessment Appeal Board

Karen Oberman – Property Assessment Appeal Board

# JOURNAL OF THE SENATE

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THIRTY-FIRST CALENDAR DAY  
NINETEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 10, 2010

The Senate met in regular session at 8:49 a.m., President Kibbie presiding.

Prayer was offered by the Honorable John P. Kibbie, member of the Senate from Palo Alto County, Emmetsburg, Iowa.

The Journal of Tuesday, February 9, 2010, was approved.

## 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 9, 2010, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 2108**, a bill for an act relating to artisan's liens and Iowa's consumer frauds Act and making remedies applicable and including effective date provisions.

ALSO: That the House has on February 9, 2010, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 2253**, a bill for an act relating to Iowa's uniform disclaimer of property interest Act.

Read first time and attached to **companion Senate File 2222**.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:55 a.m. until 8:45 a.m., Thursday, February 11, 2010.

## APPENDIX

### CERTIFICATES OF RECOGNITION

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

Edna Bellmer—For celebrating her 90<sup>th</sup> birthday. Senator Dotzler (2/10/10).

Glen and Violet Casteel—For celebrating their 65<sup>th</sup> wedding anniversary. Senator Dotzler (2/10/10).

Jake and Joanne Hazlet—For celebrating their 65<sup>th</sup> wedding anniversary. Senator Dotzler (2/10/10).

Dean and Marilyn McClore—For celebrating their 60<sup>th</sup> wedding anniversary. Senator Dotzler (2/10/10).

Georgiana Ohlendorf—For celebrating her 85<sup>th</sup> birthday. Senator Dotzler (2/10/10).

Howard and Phyllis Peterson—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Dotzler (2/10/10).

Florence Ramsell—For celebrating her 90<sup>th</sup> birthday. Senator Dotzler (2/10/10).

Dorothy Schneider—For celebrating her 93<sup>rd</sup> birthday. Senator Dotzler (2/10/10).

Betty See—For celebrating her 80<sup>th</sup> birthday. Senator Dotzler (2/10/10).

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convended:** Wednesday, February 10, 2010, 11:40 a.m.

**Members Present:** Fraise, Chair; Olive, Vice Chair; Johnson, Ranking Member; Appel, Behn, Black, Boettger, Courtney, Hahn, Hancock, Kapucian, Kibbie, Rielly, Seng, and Soddors.

**Members Absent:** None.

**Committee Business:** Passed SFs 267 and 2107, both as amended. Approved SSB 3182, as amended, and SSB 3193.

**Adjourned:** 12:45 p.m.

**ENVIRONMENT AND ENERGY INDEPENDENCE**

**Convened:** Wednesday, February 10, 2010, 1:10 p.m.

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

**Members Absent:** None.

**Committee Business:** Assigned SF 2228 and SSB 3204. Passed SF 2182, as amended. Approved SSB 3204, as amended.

**Adjourned:** 1:25 p.m.

**GOVERNMENT OVERSIGHT**

**Convened:** Thursday, February 4, 2010, 10:05 a.m.

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

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

**Committee Business:** Presentations by the Iowa Lottery and Homeland Security and Emergency Management.

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

**HUMAN RESOURCES**

**Convened:** Thursday, February 4, 2010, 2:05 p.m.

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

**Members Absent:** Boettger and Seymour (both excused).

**Committee Business:** Approved governor's appointee. Approved SSB 3086, as amended, and SSB 3183.

**Recessed:** 2:15 p.m.

**Reconvened:** 2:20 p.m.

**Adjourned:** 2:40 p.m.



**ALSO:**

**Convened:** Monday, February 8, 2010, 2:30 p.m.

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

**Members Absent:** None.

**Committee Business:** Passed SF 2168. Approved SSBs 3046, 3104, and 3134, all as amended.

**Recessed:** 2:35 p.m.

**Reconvened:** 3:05 p.m.

**Adjourned:** 3:30 p.m.

**ALSO:**

**Convened:** Wednesday, February 10, 2010, 2:55 p.m.

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

**Members Absent:** None.

**Committee Business:** Passed SF 2063 and 2092, both as amended, and SF 2241. Approved SSBs 3055, 3093, and 3103, all as amended.

**Adjourned:** 3:35 p.m.

**LABOR AND BUSINESS RELATIONS**

**Convened:** Tuesday, February 9, 2010, 4:05 p.m.

**Members Present:** Courtney, Chair; Jochum, Vice Chair; Ward, Ranking Member; Dearden, Dotzler, Hatch, Horn, Houser, Wieck, and Zaun.

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

**Committee Business:** Passed SFs 2012 and 2112. Approved SSBs 3175 and 3192.

**Recessed:** 4:10 p.m.

**Reconvened:** 4:15 p.m.

**Adjourned:** 4:35 p.m.

**REBUILD IOWA**

**Convened:** Wednesday, February 10, 2010, 10:10 a.m.

**Members Present:** Hogg, Chair; Heckroth, Vice Chair; Hamerlinck, Ranking Member; Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart.

**Members Absent:** None.

**Committee Business:** Approved SSBs 3098, 3169, 3189, and 3196, all as amended.

**Recessed:** 10:15 a.m.

**Reconvened:** 10:30 a.m.

**Adjourned:** 11:05 a.m.

**RULES AND ADMINISTRATION**

**Convened:** Wednesday, February 10, 2010, 8:35 a.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; Courtney, Danielson, Dearden, Kettering, and Ragan.

**Members Absent:** McKinley, Ranking Member; Boettger, Dvorsky, and Zaun (all excused).

**Committee Business:** Passed SJR 2002.

**Adjourned:** 8:40 a.m.

**TRANSPORTATION**

**Convened:** Wednesday, February 10, 2010, 2:05 p.m.

**Members Present:** Rielly, Chair; Beall, Vice Chair; Noble, Ranking Member; Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, Reynolds, Warnstadt, and Zaun.

**Members Absent:** None.

**Committee Business:** Passed SF 2240, as amended. Approved SSB 3070, as amended.

**Recessed:** 2:10 p.m.

**Reconvened:** 2:25 p.m.

**Adjourned:** 2:45 p.m.

**VETERANS AFFAIRS**

**Convened:** Thursday, February 4, 2010, 1:10 p.m.

**Members Present:** Beall, Chair; Warnstadt, Vice Chair; Black, Hartsuch, Kibbie, Noble, Ragan, and Soddors.

**Members Absent:** Seymour, Ranking Member; Danielson and Wieck (all excused).

**Committee Business:** Passed SF 189.

**Adjourned:** 1:20 p.m.

**INTRODUCTION OF RESOLUTIONS**

**Senate Resolution 104**, by Beall, Black, Boettger, Fraise, and Seymour, 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.

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

**Senate Joint Resolution 2004**, by Kreiman, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the defining of marriage.

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

**Senate Joint Resolution 2005**, by Hartsuch, a joint resolution proposing an amendment to the Constitution of the State of Iowa allowing the electorate to propose laws and amendments to the Constitution by initiative petition.

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

**Senate Joint Resolution 2006**, by Behn, Bartz, Wieck, Reynolds, Johnson, Kapucian, Feenstra, Hartsuch, Boettger, Zaun, Hamerlinck, Houser, Hahn, Kettering, and McKinley, senate joint resolution a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the appointment of nominees to the supreme court by the governor.

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

### INTRODUCTION OF BILLS

**Senate File 2247**, by committee on State Government, a bill for an act authorizing the modification of the designation of a gaming enforcement officer.

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

**Senate File 2248**, by committee on Environment and Energy Independence, a bill for an act relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable.

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

**Senate File 2249**, by committee on Judiciary, 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.

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

**Senate File 2250**, by committee on Judiciary, a bill for an act creating the criminal offense of robbery in the third degree, and providing a penalty.

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

**Senate File 2251**, by committee on Judiciary, a bill for an act relating to driver's license sanctions, including the issuance of temporary restricted licenses and certain requirements relating to ignition interlock devices, and providing penalties.

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

**Senate File 2252**, by committee on Judiciary, a bill for an act relating to the criminal and juvenile justice planning advisory council, establishing a public safety advisory board, and providing for implementation.

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

**Senate File 2253**, by committee on Judiciary, a bill for an act relating to conducting court hearings by video conference.

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

**Senate File 2254**, by committee on Local Government, 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.

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

**Senate File 2255**, by committee on Human Resources, a bill for an act relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative.

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

**Senate File 2256**, by Jochum, a bill for an act establishing a home inspector licensing program, establishing a home inspector examining board, providing civil and criminal penalties, and including effective date and applicability provisions.

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

**Senate File 2257**, by Kreiman, a bill for an act relating to shorthand reporters.

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

**Senate File 2258**, by Kreiman, a bill for an act establishing a property classification presumption for certain property for purposes of property assessment and taxation.

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

**Senate File 2259**, by Hartsuch, a bill for an act relating to a fall prevention pilot project, including insurance coverage for polypharmacy evaluations, and providing an appropriation.

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

**Senate File 2260**, by Behn, Seymour, Bartz, Wieck, Ward, Noble, Reynolds, Johnson, Kapucian, Feenstra, Hartsuch, Boettger, Zaun, Hamerlinck, Houser, Hahn, Kettering, and McKinley, a bill for an act providing lifetime fishing and hunting licenses at a nominal fee for Iowa veterans who were honorably discharged.

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

**Senate File 2261**, by Behn, Seymour, Wieck, Bartz, Ward, Reynolds, Noble, Johnson, Kapucian, Feenstra, Hartsuch, Boettger, Zaun, Houser, Hahn, Kettering, and McKinley, a bill for an act increasing the amount of the tuition tax credit and including retroactive applicability provisions.

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

**Senate File 2262**, by Dandekar and Boettger, a bill for an act relating to the licensing of naturopathic physicians.

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

**Senate File 2263**, by committee on Human Resources, a bill for an act relating to the office of the long-term care resident's advocate, and providing penalties.

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

**Senate File 2264**, by committee on Local Government, a bill for an act relating to the review and approval of proposed subdivisions by a city.

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

**Senate File 2265**, by committee on Rebuild Iowa, a bill for an act establishing smart planning principles, establishing guidelines for the adoption of certain comprehensive plans and land development regulations, and providing for the establishment of a smart planning task force.

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

**Senate File 2266**, by committee on Human Resources, a bill for an act creating the local public health governance Act, and providing penalties.

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

**Senate File 2267**, by committee on Human Resources, a bill for an act relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly.

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

**Senate File 2268**, by committee on Rebuild Iowa, a bill for an act relating to disaster recovery case management.

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

**Senate File 2269**, by committee on Local Government, a bill for an act establishing certain definitions relating to instruments affecting real estate and specifying information to be contained in index records.

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

**Senate File 2270**, by committee on Labor and Business Relations, a bill for an act relating to workplace accommodations for employees who express breast milk.

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

**Senate File 2271**, by committee on Local Government, 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 under Rule 28 and **placed on calendar**.

**Senate File 2272**, by committee on Commerce, a bill for an act relating to the Iowa life and health insurance guaranty association regarding coverage, benefits, duties, powers, rights, the operation of the Iowa life and health insurance guaranty association, and the coordination of coverage and benefits with those of similar associations of other states, and to the Iowa insurance guaranty association with respect to covered claims, benefits, limitations, duties, and powers of the Iowa insurance guaranty association, and coordination and cooperation by it with similar associations of other states.

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



**Senate File 2273**, by committee on Transportation, a bill for an act relating to a study regarding implementation of electronic registration and titling of vehicles.

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

**Senate File 2274**, by committee on Veterans Affairs, a bill for an act relating to certain national security and military education benefits and programs.

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

### SUBCOMMITTEE ASSIGNMENTS

#### **Senate File 2239**

JUDICIARY: Quirmbach, Chair; Jochum and Noble

#### **Senate File 2240**

TRANSPORTATION: Hahn, Chair; Hancock and Rielly

#### **Senate File 2244**

WAYS AND MEANS: Dotzler, Chair; Feenstra and Quirmbach

#### **Senate File 2245**

ECONOMIC GROWTH: Olive, Chair; Houser and Stewart

#### **Senate File 2256**

STATE GOVERNMENT: Jochum, Chair; Dearden and Seymour

#### **Senate File 2257**

JUDICIARY: Kreiman, Chair; Hogg and Kettering

#### **House File 763**

AGRICULTURE: Courtney, Chair; Johnson and Olive

#### **House File 2233**

JUDICIARY: Kreiman, Chair; Ward and Warnstadt

## FINAL COMMITTEE REPORTS OF BILL ACTION

### COMMERCE

**Bill Title:** SENATE FILE 2272 (SSB 3195), a bill for an act relating to the Iowa life and health insurance guaranty association regarding coverage, benefits, duties, powers, rights, the operation of the Iowa life and health insurance guaranty association, and the coordination of coverage and benefits with those of similar associations of other states, and to the Iowa insurance guaranty association with respect to covered claims, benefits, limitations, duties, and powers of the Iowa insurance guaranty association, and coordination and cooperation by it with similar associations of other states.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Warnstadt, Heckroth, Wieck, Bolcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 1: Behn.

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

### ENVIRONMENT AND ENERGY INDEPENDENCE

**Bill Title:** SENATE FILE 2248 (SSB 3177), a bill for an act relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Black, Hogg, Behn, Bolcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, and Wilhelm. Nays, none. Absent, none.

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

### HUMAN RESOURCES

**Bill Title:** SENATE FILE 2255 (formerly SF 2168), a bill for an act relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. Absent, none.

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

### ALSO:

**Bill Title:** \*SENATE FILE 2263 (SSB 3134), a bill for an act relating to the office of the long-term care resident's advocate, and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. Absent, none.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2263, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2266 (SSB 3046), a bill for an act creating the local public health governance Act, and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. Absent, none.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2266, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2267 (SSB 3104), a bill for an act relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. Absent, none.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2267, and they were attached to the committee report.

**JUDICIARY**

**Bill Title:** SENATE FILE 2249 (formerly SF 2135), 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.

**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.

**ALSO:**

**Bill Title:** SENATE FILE 2250 (SSB 3124), a bill for an act creating the criminal offense of robbery in the third degree, and providing a penalty.

**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.

**ALSO:**

**Bill Title:** SENATE FILE 2251 (SSB 3173), a bill for an act relating to driver's license sanctions, including the issuance of temporary restricted licenses and certain requirements relating to ignition interlock devices, 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.

**ALSO:**

**Bill Title:** SENATE FILE 2252 (SSB 3156), a bill for an act relating to the criminal and juvenile justice planning advisory council, establishing a public safety advisory board, and providing for implementation.

**Recommendation:** APPROVED COMMITTEE BILL.

**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:** SENATE FILE 2253 (SSB 3110), a bill for an act relating to conducting court hearings by video conference.

**Recommendation:** APPROVED COMMITTEE BILL.

**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.

## LABOR AND BUSINESS RELATIONS

**Bill Title:** SENATE FILE 2270 (formerly SF 2112), a bill for an act relating to workplace accommodations for employees who express breast milk.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Courtney, Jochum, Ward, Dearden, Dotzler, Hatch, Horn, Houser, Wieck, and Zaun. Nays, none. Absent, 1: Gronstal.

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

## LOCAL GOVERNMENT

**Bill Title:** SENATE FILE 2254 (formerly SF 2186), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Quirmbach, Beall, Reynolds, Hamerlinck, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, none. Absent, 1: Houser.

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

**ALSO:**

**Bill Title:** SENATE FILE 2264 (SSB 3131), a bill for an act relating to the review and approval of proposed subdivisions by a city.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Quirmbach, Beall, Reynolds, Hamerlinck, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, none. Absent, 1: Houser.

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

**ALSO:**

**Bill Title:** SENATE FILE 2269 (SSB 3130), a bill for an act establishing certain definitions relating to instruments affecting real estate and specifying information to be contained in index records.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Quirmbach, Beall, Reynolds, Hamerlinck, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, none. Absent, 1: Houser.

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

**ALSO:**

**Bill Title:** \*SENATE FILE 2271 (formerly SF 2142), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Quirmbach, Beall, Reynolds, Hamerlinck, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, none. Absent, 1: Houser.

**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 Local Government Committee on Senate File 2271, and they were attached to the committee report.

**REBUILD IOWA**

**Bill Title:** \*SENATE FILE 2265 (SSB 3096), a bill for an act establishing smart planning principles, establishing guidelines for the adoption of certain comprehensive plans and land development regulations, and providing for the establishment of a smart planning task force.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Hogg, Heckroth, Appel, Dandekar, Dvorsky, Horn, Jochum, and Stewart. Nays, 5: Hamerlinck, Feenstra, Hahn, Houser, and Reynolds. 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 Rebuild Iowa Committee on Senate File 2265, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2268 (SSB 3097), a bill for an act relating to disaster recovery case management.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart. 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 Rebuild Iowa Committee on Senate File 2268, and they were attached to the committee report.

## RULES AND ADMINISTRATION

**Bill Title:** SENATE JOINT RESOLUTION 2002, a joint resolution relating to the placement of a statue in the United States capitol honoring Dr. Norman Borlaug.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Gronstal, Kibbie, Courtney, Danielson, Dearden, Kettering, and Ragan. Nays, none. Absent, 4: McKinley, Boettger, Dvorsky, and Zaun.

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

## STATE GOVERNMENT

**Bill Title:** SENATE FILE 2247 (formerly SF 2160), a bill for an act authorizing the modification of the designation of a gaming enforcement officer.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Appel, Kibbie, Feenstra, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck. Nays, none. Absent, 1: Behn.

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

**TRANSPORTATION**

**Bill Title:** \*SENATE FILE 2273 (SSB 3100), a bill for an act relating to a study regarding implementation of electronic registration and titling of vehicles.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, 1: McCoy.

**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 Transportation Committee on Senate File 2273, and they were attached to the committee report.

**VETERANS AFFAIRS**

**Bill Title:** HOUSE FILE 2137, a bill for an act relating to the military division of the department of public defense concerning state military service and the Iowa code of military justice.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Soddors, and Wieck. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** \*SENATE FILE 2274 (formerly SF 2105), a bill for an act relating to certain national security and military education benefits and programs.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Beall, Warnstadt, Seymour, Danielson, Hartsuch, Kibbie, Noble, Ragan, Soddors, and Wieck. Nays, none. Absent, 1 Black.

**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 Veterans Affairs Committee on Senate File 2274, and they were attached to the committee report.



**BILL SIGNED BY THE GOVERNOR**

A communication was received announcing that on February 10, 2010, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2062 – Providing for a retirement incentive program for state employees and including effective date provisions.

**AMENDMENT FILED**

S-5048      S.F.      2237      Steven J. Sodders

# JOURNAL OF THE SENATE

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THIRTY-SECOND CALENDAR DAY  
TWENTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 11, 2010

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

Prayer was offered by Pastor Karl Ballhagen of the Trinity Lutheran Church in Hampton, Iowa. He was the guest of Senator Bartz.

The Journal of Wednesday, February 10, 2010, was approved.

## 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 10, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 2198**, a bill for an act providing an exemption from vehicle registration for trailers used exclusively in veterans flag ceremonies and parades.

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

**House File 2197**, a bill for an act providing veterans a holiday for veterans day and making penalties applicable.

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

**House File 2282**, a bill for an act relating to judgment liens on homesteads.

Read first time and attached to **companion Senate File 2189**.

## BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following bills be referred from the Regular Calendar to the following committees:

S.F.	2219	Appropriations
S.F.	2255	Appropriations
S.F.	2221	Ways and Means

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:53 a.m. until 1:00 p.m., Monday, February 15, 2010.

## APPENDIX

### CERTIFICATE OF RECOGNITION

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

Jim Walsh, Waterloo—For his ability to “make pigs fly” for the benefit of Waterloo. Senator Dotzler (2/11/10).

## REPORTS OF COMMITTEE MEETINGS

### COMMERCE

**Convened:** Thursday, February 11, 2010, 10:30 a.m.

**Members Present:** Warnstadt, Chair; Heckroth, Vice Chair; Wieck, Ranking Member; Behn, Bolkom, Courtney, Dandekar, Hartsuch, Kettering, Olive, Rielly, Schmitz, Stewart, and Ward.

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

**Committee Business:** Passed SFs 1 and 2089, both as amended. Approved SSBs 3080, 3102, and 3155, all as amended, and SSB 3167.

**Adjourned:** 11:40 a.m.

## ECONOMIC GROWTH

**Convened:** Thursday, February 11, 2010, 1:10 p.m.

**Members Present:** Stewart, Chair; Olive, Vice Chair; Houser, Ranking Member; Beall, Dandekar, Dotzler, Hamerlinck, Hatch, Heckroth, Kapucian, Rielly, Schmitz, Wieck, and Wilhelm.

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

**Committee Business:** Approved SSB 3206.

**Adjourned:** 1:30 p.m.

## JUDICIARY

**Convened:** Wednesday, February 10, 2010, 3:45 p.m.

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

**Members Absent:** None.

**Committee Business:** Passed SF 2050, as amended, and SFs 2021, 2134, and 2171. Approved SSBs 1029, 1033, 3025, 3039, 3147, 3209, all as amended, and SSBs 2257, 3040, 3143, 3203, 3213, 3217, and 3218.

**Adjourned:** 4:30 p.m.

## LABOR AND BUSINESS RELATIONS

**Convened:** Thursday, February 11, 2010, 11:40 a.m.

**Members Present:** Courtney, Chair; Jochum, Vice Chair; Ward, Ranking Member; Dearden, Dotzler, Gronstal, Hatch, Horn, Houser, Wieck, and Zaun.

**Members Absent:** None.

**Committee Business:** Approved SSB 3176.

**Adjourned:** 11:50 a.m.

## LOCAL GOVERNMENT

**Convened:** Thursday, February 11, 2010, 9:15 a.m.

**Members Present:** Quirmbach, Chair; Beall, Vice Chair; Reynolds, Ranking Member; Hamerlinck, Houser, Kapucian, Kreiman, Olive, Rielly, and Schoenjahn.

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

**Committee Business:** Deferred SF 2023. Passed SF 2024, as amended, and SFs 2210 and 2232. Approved SSB 3174, as amended.

**Adjourned:** 9:40 a.m.

## STATE GOVERNMENT

**Convened:** Thursday, February 11, 2010, 9:05 a.m.

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

**Members Absent:** None.

**Committee Business:** Passed SFs 2141 and 2262. Approved SSBs 3004, 3066, and 3210, all as amended.

**Recessed:** 9:10 a.m.

**Reconvened:** 9:30 a.m.

**Adjourned:** 10:20 a.m.

## INTRODUCTION OF RESOLUTIONS

**Senate Joint Resolution 2007**, by committee on Veterans Affairs, a joint resolution supporting the preservation efforts for the Battleship Iowa, BB-61.

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

**Senate Joint Resolution 2008**, by committee on Education, a joint resolution nullifying rules adopted by the educational examiners board, and relating to the contents of a complaint notice, and including effective date provisions.

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

## INTRODUCTION OF BILLS

**Senate File 2275**, by Warnstadt, a bill for an act relating to school districts' additional property tax levies and teacher salary supplements for certain school budget years and including effective date and applicability provisions.

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

**Senate File 2276**, by Warnstadt, a bill for an act relating to requirements for staffing and written occupancy agreements for assisted living programs and making penalties applicable.

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

**Senate File 2277**, by Warnstadt, a bill for an act requiring notice to the adjutant general of the state for city and county zoning actions affecting property near Camp Dodge.

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

**Senate File 2278**, by Kreiman, a bill for an act exempting specified entities from being required to solemnize, celebrate, promote, or perpetuate a marriage, or treat a marriage as valid.

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

**Senate File 2279**, by committee on Labor and Business Relations, a bill for an act extending the voluntary shared unemployment compensation work program for additional weeks.

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

**Senate File 2280**, by Zaun, Kettering, McKinley, Behn, Seymour, Ward, Noble, Johnson, Reynolds, Hartsuch, Boettger, Hahn, Houser, Feenstra, Wieck, and Hamerlinck, a bill for an act relating to the sale or lease of the Iowa communications network.

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

**Senate File 2281**, by McKinley, a bill for an act relating to state core curriculum requirements for prekindergarten through grade twelve and including effective date provisions.

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

**Senate File 2282**, by Johnson, a bill for an act relating to health care cost and quality transparency.

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

**Senate File 2283**, by Jochum, a bill for an act providing for the licensure of persons who install and maintain solar thermal systems and solar photovoltaic panels and making penalties applicable.

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

**Senate File 2284**, by committee on Veterans Affairs, a bill for an act relating to the encouragement and assistance of businesses owned by disabled veterans.

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

**Senate File 2285**, by committee on Labor and Business Relations, a bill for an act requiring certain weekly workers' compensation benefits to be calculated by including an employee's overtime and premium pay, and to include an annual cost-of-living adjustment.

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

**Senate File 2286**, by committee on Labor and Business Relations, 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.

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

**Senate File 2287**, by committee on Education, a bill for an act relating to private college preparatory schools exempted from the state's educational standards and accreditation process, and including effective date provisions.

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

**Senate File 2288**, by committee on Education, a bill for an act relating to the duties and operations of the department of education and local school boards.

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

**Senate File 2289**, by committee on Education, a bill for an act relating to deaccreditation of a school district by the state board of education.

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

**Senate File 2290**, by committee on Education, a bill for an act relating to the use of certain regular physical plant and equipment levy funds and including effective date provisions.

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

**Senate File 2291**, by committee on Education, a bill for an act relating to special education rights and duties and to the related duties and operations of the department of education and local school boards.

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

**Senate File 2292**, by committee on Veterans Affairs, 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.

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

**Senate File 2293**, by committee on Judiciary, a bill for an act relating to expunging convictions of certain criminal offenses.

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

**Senate File 2294**, by committee on Rebuild Iowa, a bill for an act creating a disaster recovery fund and including effective date and applicability provisions.

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



**Senate File 2295**, by committee on Veterans Affairs, a bill for an act providing for the development of programs to attract qualified disabled veterans for job opportunities in state government.

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

## STUDY BILL RECEIVED

### **SSB 3224      Ways and Means**

Relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions.

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 2258**

WAYS AND MEANS: Schmitz, Chair; Feenstra and Wilhelm

### **Senate File 2260**

NATURAL RESOURCES: Dearden, Chair; Johnson and Ragan

### **Senate File 2261**

WAYS AND MEANS: Quirmbach, Chair; Jochum and Ward

### **Senate File 2262**

STATE GOVERNMENT: Hatch, Chair; Courtney and Hartsuch

### **SSB 3224**

WAYS AND MEANS: Dotzler, Chair; Bolkcom and Zaun

## FINAL COMMITTEE REPORTS OF BILL ACTION

### **EDUCATION**

**Bill Title:** SENATE JOINT RESOLUTION 2008 (SSB 3202), a joint resolution nullifying rules adopted by the educational examiners board, and relating to the contents of a complaint notice, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Schmitz, Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, Soddors, and Wilhelm. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** SENATE FILE 2287 (SSB 3138), a bill for an act relating to private college preparatory schools exempted from the state's educational standards and accreditation process, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 9: Schmitz, Schoenjahn, Appel, Beall, Dvorsky, Heckroth, Quirmbach, Soddors, and Wilhelm. Nays, 6: Boettger, Feenstra, Hamerlinck, Johnson, Kreiman, and McKinley. Absent, none.

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

**ALSO:**

**Bill Title:** \*SENATE FILE 2288 (SSB 3136), a bill for an act relating to the duties and operations of the department of education and local school boards.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Schmitz, Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, Soddors, and Wilhelm. Nays, none. Absent, none.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 2288, and they were attached to the committee report.

**ALSO:**

**Bill Title:** SENATE FILE 2289 (SSB 3137), a bill for an act relating to deaccreditation of a school district by the state board of education.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Schmitz, Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, Soddors, and Wilhelm. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** \*SENATE FILE 2290 (formerly SF 2010), a bill for an act relating to the use of certain regular physical plant and equipment levy funds and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Schmitz, Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, Soddors, and Wilhelm. Nays, none. Absent, none.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 2290, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2291 (SSB 3135), a bill for an act relating to special education rights and duties and to the related duties and operations of the department of education and local school boards.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Schmitz, Schoenjahn, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, Soddors, and Wilhelm. Nays, none. Absent, none.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 2291, and they were attached to the committee report.

**JUDICIARY**

**Bill Title:** SENATE FILE 2293 (SSB 3166), a bill for an act relating to expunging convictions of certain criminal offenses.

**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 2293, and they were attached to the committee report.

## LABOR AND BUSINESS RELATIONS

**Bill Title:** SENATE FILE 2279 (formerly SF 2012), a bill for an act extending the voluntary shared unemployment compensation work program for additional weeks.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Courtney, Jochum, Ward, Dearden, Dotzler, Hatch, Horn, Houser, Wieck, and Zaun. Nays, none. Absent, 1: Gronstal.

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

### ALSO:

**Bill Title:** SENATE FILE 2285 (SSB 3175), a bill for an act requiring certain weekly workers' compensation benefits to be calculated by including an employee's overtime and premium pay, and to include an annual cost-of-living adjustment.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 6: Courtney, Jochum, Dearden, Dotzler, Hatch, and Horn. Nays, 4: Ward, Houser, Wieck, and Zaun. Absent, 1: Gronstal.

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

### ALSO:

**Bill Title:** SENATE FILE 2286 (SSB 3192), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Courtney, Jochum, Ward, Dearden, Dotzler, Hatch, Horn, Houser, Wieck, and Zaun. Nays, none. Absent, 1: Gronstal.

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

## REBUILD IOWA

**Bill Title:** SENATE FILE 2294 (SSB 3196), a bill for an act creating a disaster recovery fund and including effective date and applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart. Nays, none. Present, 1: Dvorsky. 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 Rebuild Iowa Committee on Senate File 2294, and they were attached to the committee report.

## VETERANS AFFAIRS

**Bill Title:** SENATE JOINT RESOLUTION 2007, a joint resolution supporting the preservation efforts for the Battleship Iowa, BB-61.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Soddors, and Wieck. Nays, none. Absent, none.

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

### ALSO:

**Bill Title:** SENATE FILE 2284 (SSB 3016), a bill for an act relating to the encouragement and assistance of businesses owned by disabled veterans.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Soddors, and Wieck. Nays, none. Absent, none.

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

### ALSO:

**Bill Title:** SENATE FILE 2292 (SSB 3044), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Soddors, and Wieck. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** SENATE FILE 2295 (SSB 3127), a bill for an act providing for the development of programs to attract qualified disabled veterans for job opportunities in state government.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Soddors, and Wieck. Nays, none. Absent, none.

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

**AMENDMENT FILED**

S-5049      H.F.      2183      Becky Schmitz

# JOURNAL OF THE SENATE

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THIRTY-SIXTH CALENDAR DAY  
TWENTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 15, 2010

The Senate met in regular session at 1:08 p.m., President Kibbie presiding.

Prayer was offered by the Honorable Dave Mulder, former member of the Senate from Sioux County, Sioux Center, Iowa.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Daniel Meyers.

The Journal of Thursday, February 11, 2010, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dandekar, until she arrives, on request of Senator Fraise.

The Senate stood at ease at 1:17 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:20 p.m., President Kibbie presiding.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Ward and Wieck, until they arrive, on request of Senator Kettering; Senator McCoy, for the day, and Senator Warnstadt, until he arrives, on request of Senator Gronstal.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2216, 2199, 2193, 2190, and 2188.

**Senate File 2216**

On motion of Senator Dearden, **Senate File 2216**, a bill for an act allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty, 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. 2216), the vote was:

Yeas, 45:

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

Nays, none.

Absent, 5:

Dandekar	Ward	Wieck
McCoy	Warnstadt	

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



## Senate File 2199

On motion of Senator Olive, **Senate File 2199**, a bill for an act relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, amending statutory references to certain types of home dealers, and making penalties applicable, was taken up for consideration.

Senator Olive offered amendment S-5053, filed by him from the floor to page 6 and amending the title page of the bill, and moved its adoption.

Amendment S-5053 was adopted by a voice vote.

Senator Olive 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. 2199), the vote was:

Yeas, 45:

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

Nays, none.

Absent, 5:

Dandekar	Ward	Wieck
McCoy	Warnstadt	

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

### Senate File 2193

On motion of Senator Jochum, **Senate File 2193**, a bill for an act requiring employers to provide written information to employees about certain employment policies without written requests from employees and including applicability provisions, 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. 2193), the vote was:

Yeas, 28:

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

Nays, 17:

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

Absent, 5:

Dandekar	Ward	Wieck
McCoy	Warnstadt	

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

### Senate File 2190

On motion of Senator Sodders, **Senate File 2190**, a bill for an act relating to an exemption for a debtor's personal property from execution by creditors in a bankruptcy action, 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. 2190), the vote was:

Yeas, 45:

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

Nays, none.

Absent, 5:

Dandekar	Ward	Wieck
McCoy	Warnstadt	

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

### Senate File 2188

On motion of Senator Rielly, **Senate File 2188**, a bill for an act allowing a temporary exemption from axle weight limitations for a vehicle or combination vehicles operating with a nonsteerable retractable axle raised while making a turn of ninety degrees or less, 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. 2188), the vote was:

Yeas, 45:

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

Nays, none.

Absent, 5:

Dandekar	Ward	Wieck
McCoy	Warnstadt	

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 2188, 2190, 2193, 2199, and 2216** be **immediately messaged** to the House.

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 3:00 p.m. until 4:00 p.m.

## APPENDIX—1

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### IOWA UTILITIES BOARD

Report of the Iowa Broadband Deployment Governance Board, pursuant to 2009 Iowa Acts, SF 376, section 13(5). Report received on January 19, 2010.

#### AGENCY ICN REPORT

Iowa Communications Network (ICN) usage report for FY 2009, pursuant to Iowa Code section 8D.10, was received from the following agency:

IOWA LOTTERY AUTHORITY – Report received on January 4, 2010.

### CERTIFICATES OF RECOGNITION

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

Daniel R. Nase, Milford—For achieving the rank of Eagle Scout, Troop 170. Senator Johnson (2/15/10).

Brandon Pettit, Prole—State Honoree, Prudential Spirit of Community Award. Senator Appel (2/15/10).

Emma Skahill, Earlham—Distinguished Finalist, Prudential Spirit of Community Award. Senator Appel (2/15/10).

Bud and Marlene Thiessen, Chelsea—For celebrating their 60<sup>th</sup> wedding anniversary. Senator Kapucian (2/15/10).

## INTRODUCTION OF BILLS

**Senate File 2296**, by committee on Natural Resources, a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, and making penalties applicable.

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

**Senate File 2297**, by committee on Veterans Affairs, 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.

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

**Senate File 2298**, by committee on Judiciary, a bill for an act relating to the attendance of a child at juvenile court hearings or meetings during the pendency of a child in need of assistance case.

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

**Senate File 2299**, by committee on Agriculture, a bill for an act relating to grain transactions by regulating grain dealers and warehouse operators, providing for fees, and making penalties applicable.

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

**Senate File 2300**, by committee on Judiciary, a bill for an act relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date provisions.

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

**Senate File 2301**, by committee on Judiciary, a bill for an act relating to shorthand reporters.

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

**Senate File 2302**, by committee on Judiciary, a bill for an act relating to grandparents' rights to receive notice regarding child in need of assistance and related reviews and proceedings.

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

**Senate File 2303**, by committee on Judiciary, a bill for an act relating to detainers lodged against parolees in this state.

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

**Senate File 2304**, by committee on Judiciary, a bill for an act relating to vehicular accident reporting requirements by increasing the minimum amount of property damage necessitating a written report.

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

**Senate File 2305**, by committee on Judiciary, a bill for an act modifying sex offender registry provisions, and providing penalties and including effective date provisions.

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

**Senate File 2306**, by committee on Judiciary, a bill for an act relating to grandparent and great-grandparent visitation.

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

**Senate File 2307**, by committee on Judiciary, a bill for an act relating to damages recoverable for injury to or death of a person.

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

**Senate File 2308**, by committee on Judiciary, a bill for an act relating to protections for persons with mental illness in a dissolution of marriage action.

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

**Senate File 2309**, by committee on Judiciary, a bill for an act relating to trusts and estates including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims, and including an applicability provision.

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

**Senate File 2310**, by committee on Natural Resources, 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.

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

**Senate File 2311**, by committee on State Government, 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.

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

**Senate File 2312**, by committee on State Government, a bill for an act relating to the licensing of naturopathic physicians.

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

**Senate File 2313**, by committee on Environment and Energy Independence, a bill for an act modifying provisions applicable to the formation and operation of electric power agencies.

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

**Senate File 2314**, by committee on Environment and Energy Independence, a bill for an act modifying provisions applicable to electric generating and transmission facilities.

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



**Senate File 2315**, by committee on Agriculture, a bill for an act concerning weight limits for vehicles carrying grain, fertilizer, agricultural lime, or agricultural chemicals on noninterstate highways.

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

**Senate File 2316**, by committee on Rebuild Iowa, a bill for an act relating to flood plain management.

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

**Senate File 2317**, by committee on Rebuild Iowa, a bill for an act authorizing the creation of watershed management authorities.

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

**Senate File 2318**, by committee on Veterans Affairs, 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.

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

**Senate File 2319**, by committee on Economic Growth, a bill for an act suspending the registration of new projects under the film, television, and video project promotion program and including effective date provisions.

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

**Senate File 2320**, by committee on Transportation, a bill for an act to allow the use of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads.

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

**Senate File 2321**, by committee on Transportation, a bill for an act prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties.

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

**Senate File 2322**, by committee on State Government, a bill for an act concerning high alcoholic content beer.

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

**Senate File 2323**, by committee on State Government, a bill for an act concerning requirements for granting a new license to conduct gambling games on a gambling boat or structure in a county with an existing gambling boat or structure.

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

**Senate File 2324**, by committee on Commerce, a bill for an act modifying provisions relating to franchises for the provision of cable service or video service, and including effective date provisions.

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

**Senate File 2325**, by committee on Commerce, a bill for an act relating to the practice of mortuary science and to the preneed sale of cemetery and funeral merchandise and funeral services and providing a penalty.

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

**Senate File 2326**, by committee on Commerce, a bill for an act modifying disciplinary provisions applicable to real estate brokers and salespersons.

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

**Senate File 2327**, by committee on Local Government, a bill for an act relating to the publication and contents of minutes of meetings of city councils and county boards of supervisors.

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

**Senate File 2328**, by committee on Local Government, 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.

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

**Senate File 2329**, by committee on Local Government, a bill for an act establishing an Iowa communications network advisory committee.

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

**Senate File 2330**, by committee on Local Government, a bill for an act prohibiting cities and counties from adopting or enforcing ordinances that require a landlord to evict or impose certain restrictions or penalties on residential tenants and including effective date provisions.

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

**Senate File 2331**, by committee on Human Resources, a bill for an act relating to participation of chiropractors in the hawk-i program.

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

**Senate File 2332**, by committee on Human Resources, a bill for an act relating to reimbursement for administrative costs under the medical assistance home and community-based services waiver for intellectual disabilities.

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

**Senate File 2333**, by committee on Human Resources, a bill for an act relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse.

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

**Senate File 2334**, by committee on Human Resources, a bill for an act relating to the development of a plan for a stroke triage system and registry.

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

**Senate File 2335**, by committee on Human Resources, a bill for an act relating to utilization of environmentally preferable cleaning and maintenance products in school facilities and state buildings.

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

**Senate File 2336**, by committee on Rebuild Iowa, a bill for an act relating to royalty fees for removal of sand and gravel from state-owned lands and waters located on the Cedar river in certain counties.

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

**Senate File 2337**, by committee on Labor and Business Relations, a bill for an act providing minimum paid sick and safe time for employees and including applicability provisions.

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

**Senate File 2338**, by committee on Judiciary, a bill for an act modifying criminal offenses, penalties, and the sex offender registry and including applicability provisions.

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

**Senate File 2339**, by committee on Commerce, a bill for an act relating to the manufacture and sale of micro-distilled spirits and establishing a related permit fee.

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

**Senate File 2340**, by committee on Judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and applicability provisions.

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

**Senate File 2341**, by Danielson, a bill for an act concerning marital support orders under the statewide fire and police retirement system.

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

**Senate File 2342**, by Schmitz, a bill for an act providing for a deaf and hard-of-hearing children's educational bill of rights.

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

**Senate File 2343**, by committee on Judiciary, a bill for an act relating to the appointment of judicial officers and senior judges.

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

**STUDY BILLS RECEIVED****SSB 3225      Ways and Means**

Relating to the reporting of statewide school infrastructure funding expenditures to the general assembly.

**SSB 3226      Ways and Means**

Relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2221**

WAYS AND MEANS: Bolkcom, Chair; Feenstra and Jochum

**Senate File 2276**

HUMAN RESOURCES: Dotzler, Chair; Boettger and Schmitz

**Senate File 2282**

HUMAN RESOURCES: Bolkcom, Chair; Hatch and Johnson

**SSB 3225**

WAYS AND MEANS: Jochum, Chair; Hamerlinck and Schmitz

**SSB 3226**

WAYS AND MEANS: Jochum, Chair; Bolkcom and Ward

## FINAL COMMITTEE REPORTS OF BILL ACTION

## AGRICULTURE

**Bill Title:** SENATE FILE 2299 (SSB 3193), a bill for an act relating to grain transactions by regulating grain dealers and warehouse operators, providing for fees, and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Fraise, Olive, Johnson, Appel, Behn, Black, Boettger, Courtney, Hahn, Hancock, Kapucian, Kibbie, Rielly, Seng, and Sodders. Nays, none. Absent, none.

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

## ALSO:

**Bill Title:** \*SENATE FILE 2315 (SSB 3182), a bill for an act concerning weight limits for vehicles carrying grain, fertilizer, agricultural lime, or agricultural chemicals on noninterstate highways.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Fraise, Olive, Johnson, Appel, Behn, Black, Boettger, Courtney, Hahn, Hancock, Kapucian, Kibbie, Seng, and Sodders. Nays, 1: Rielly. 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 2315, and they were attached to the committee report.

## COMMERCE

**Bill Title:** \*SENATE FILE 2324 (formerly SF 2113), a bill for an act modifying provisions relating to franchises for the provision of cable service or video service, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Warnstadt, Heckroth, Wieck, Bolcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 1: Behn.

**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 Commerce Committee on Senate File 2324, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2325 (SSB 3080), a bill for an act relating to the practice of mortuary science and to the preneed sale of cemetery and funeral merchandise and funeral services and providing a penalty.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Warnstadt, Heckroth, Wieck, Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 1: McCoy.

**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 Commerce Committee on Senate File 2325, and they were attached to the committee report.

**ALSO:**

**Bill Title:** SENATE FILE 2326 (SSB 3167), a bill for an act modifying disciplinary provisions applicable to real estate brokers and salespersons.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Warnstadt, Heckroth, Wieck, Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 1: McCoy.

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

**ALSO:**

**Bill Title:** \*SENATE FILE 2339 (formerly SF 2154), a bill for an act relating to the manufacture and sale of micro-distilled spirits and establishing a related permit fee.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Warnstadt, Heckroth, Wieck, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 1: Behn.

**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 Commerce Committee on Senate File 2339, and they were attached to the committee report.



**ECONOMIC GROWTH**

**Bill Title:** SENATE FILE 2319 (SSB 3206), a bill for an act suspending the registration of new projects under the film, television, and video project promotion program and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

Ayes, 12: Stewart, Olive, Houser, Beall, Dandekar, Dotzler, Hamerlinck, Heckroth, Kapucian, Rielly, Wieck, and Wilhelm. Nays, 2: Hatch and Schmitz. Absent, 1: Reynolds.

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

**ENVIRONMENT AND ENERGY INDEPENDENCE**

**Bill Title:** \*SENATE FILE 2313 (formerly SF 2182), a bill for an act modifying provisions applicable to the formation and operation of electric power agencies.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Black, Hogg, Behn, Bolkcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, and Wilhelm. Nays, none. Absent, none.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Environment and Energy Independence Committee on Senate File 2313, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2314 (SSB 3204), a bill for an act modifying provisions applicable to electric generating and transmission facilities.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Black, Hogg, Behn, Bolkcom, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, and Wilhelm. Nays, none. Absent, none.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Environment and Energy Independence Committee on Senate File 2314, and they were attached to the committee report.

**HUMAN RESOURCES**

**Bill Title:** \*SENATE FILE 2331 (SSB 3055), a bill for an act relating to participation of chiropractors in the hawk-i program.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. 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 2331, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2332 (formerly SF 2063), a bill for an act relating to reimbursement for administrative costs under the medical assistance home and community-based services waiver for intellectual disabilities.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. 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 2332, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2333 (SSB 3103), a bill for an act relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. Absent, none.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resource Committee on Senate File 2333, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2334 (SSB 3093), a bill for an act relating to the development of a plan for a stroke triage system and registry.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm. Nays, none. Absent, none.

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

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2334, and they were attached to the committee report.

**ALSO:**

**Bill Title:** SENATE FILE 2335 (formerly SF 2241), a bill for an act relating to utilization of environmentally preferable cleaning and maintenance products in school facilities and state buildings.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Ragan, Schmitz, Bartz, Bolkcom, Dotzler, Hatch, Quirmbach, and Wilhelm. Nays, 5: Hartsuch, Boettger, Johnson, Kreiman, and Seymour. Absent, none.

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

**JUDICIARY**

**Bill Title:** \*SENATE FILE 2298 (SSB 3025), a bill for an act relating to the attendance of a child at juvenile court hearings or meetings during the pendency of a child in need of assistance case.

**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 2298, and they were attached to the committee report.

**ALSO:**

**Bill Title:** SENATE FILE 2300 (SSB 3218), a bill for an act relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date provisions.

**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.

**ALSO:**

**Bill Title:** SENATE FILE 2301 (formerly SF 2257), a bill for an act relating to shorthand reporters.

**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.

**ALSO:**

**Bill Title:** SENATE FILE 2302 (SSB 3143), a bill for an act relating to grandparents' rights to receive notice regarding child in need of assistance and related reviews and proceedings.

**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.

**ALSO:**

**Bill Title:** SENATE FILE 2303 (SSB 3040), a bill for an act relating to detainees lodged against parolees in this state.

**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.

**ALSO:**

**Bill Title:** SENATE FILE 2304 (SSB 3203), a bill for an act relating to vehicular accident reporting requirements by increasing the minimum amount of property damage necessitating a written report.

**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.

**ALSO:**

**Bill Title:** SENATE FILE 2305 (SSB 3217), a bill for an act modifying sex offender registry provisions, and providing penalties and including effective date provisions.

**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.

**ALSO:**

**Bill Title:** SENATE FILE 2306 (formerly SF 2171), a bill for an act relating to grandparent and great-grandparent visitation.

**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.

**ALSO:**

**Bill Title:** \*SENATE FILE 2307 (formerly SF 2134), a bill for an act relating to damages recoverable for injury to or death of a person.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Kreiman, Hogg, Fraise, Hancock, Horn, Jochum, Quirnbach, Schoenjahn, Soddors, and Warnstadt. Nays, 5: Kettering, Boettger, Noble, Ward, and Zaun. 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 2307, and they were attached to the committee report.

**ALSO:**

**Bill Title:** SENATE FILE 2308 (formerly SF 2021), a bill for an act relating to protections for persons with mental illness in a dissolution of marriage action.

**Recommendation:** APPROVED COMMITTEE BILL.

**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:** SENATE FILE 2309 (SSB 3213), a bill for an act relating to trusts and estates including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims, and including an applicability provision.

**Recommendation:** APPROVED COMMITTEE BILL.

**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:** \*SENATE FILE 2338 (SSB 3165), a bill for an act modifying criminal offenses, penalties, and the sex offender registry and including applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**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.

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2338, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2340 (SSB 3209), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and applicability provisions.

**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 2340, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2343 (SSB 3147), a bill for an act relating to the appointment of judicial officers and senior judges.

**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 2343, and they were attached to the committee report.

**LABOR AND BUSINESS RELATIONS**

**Bill Title:** \*SENATE FILE 2337 (SSB 3176), a bill for an act providing minimum paid sick and safe time for employees and including applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 7: Courtney, Jochum, Dearden, Dotzler, Gronstal, Hatch, and Horn. Nays, 4: Ward, Houser, Wieck, and Zaun. 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 Labor and Business Relations Committee on Senate File 2337, and they were attached to the committee report.

## LOCAL GOVERNMENT

**Bill Title:** SENATE FILE 2327 (formerly SF 2232), a bill for an act relating to the publication and contents of minutes of meetings of city councils and county boards of supervisors.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Quirmbach, Beall, Reynolds, Hamerlinck, Kapucian, Kreiman, McCoy, Olive, Rielly, and Schoenjahn. Nays, none. Absent, 1: Houser.

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

## ALSO:

**Bill Title:** \*SENATE FILE 2328 (formerly SF 2180), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Quirmbach, Beall, Reynolds, Hamerlinck, Houser, Kapucian, Kreiman, Olive, Rielly, and Schoenjahn. Nays, none. Absent, 1: McCoy.

**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 Local Government Committee on Senate File 2328, and they were attached to the committee report.

## ALSO:

**Bill Title:** \*SENATE FILE 2329 (SSB 3174), a bill for an act establishing an Iowa communications network advisory committee.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Quirmbach, Beall, Reynolds, Hamerlinck, Houser, Kapucian, Kreiman, Olive, Rielly, and Schoenjahn. Nays, none. Absent, 1: McCoy.



**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 Local Government Committee on Senate File 2329, and they were attached to the committee report.

**ALSO:**

**Bill Title:** SENATE FILE 2330 (formerly SF 2210), a bill for an act prohibiting cities and counties from adopting or enforcing ordinances that require a landlord to evict or impose certain restrictions or penalties on residential tenants and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Quirmbach, Beall, Reynolds, Hamerlinck, Houser, Kapucian, Kreiman, Olive, Rielly, and Schoenjahn. Nays, none. Absent, 1: McCoy.

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

## NATURAL RESOURCES

**Bill Title:** \*SENATE FILE 2296 (SSB 3119), a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 8: Dearden, Hancock, Black, Bolkcom, Fraise, Ragan, Schoenjahn, and Seng. Nays, 4: Hahn, Bartz, Johnson, and Noble. Absent, 1: Kettering.

**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 Natural Resources Committee on Senate File 2296, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2310 (SSB 3198), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Dearden, Hancock, Hahn, Bartz, Black, Bolkcom, Fraise, Johnson, Noble, Ragan, Schoenjahn, and Seng. Nays, none. Absent, 1: Kettering.

**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 Natural Resources Committee on Senate File 2310, and they were attached to the committee report.

## **REBUILD IOWA**

**Bill Title:** \*SENATE FILE 2316 (SSB 3098), a bill for an act relating to flood plain management.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 12: Hogg, Heckroth, Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart. Nays, 1: Hamerlinck. 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 Rebuild Iowa Committee on Senate File 2316, and they were attached to the committee report.

## **ALSO:**

**Bill Title:** \*SENATE FILE 2317 (SSB 3189), a bill for an act authorizing the creation of watershed management authorities.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart. 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 Rebuild Iowa Committee on Senate File 2317, and they were attached to the committee report.

## **ALSO:**

**Bill Title:** \*SENATE FILE 2336 (SSB 3169), a bill for an act relating to royalty fees for removal of sand and gravel from state-owned lands and waters located on the Cedar river in certain counties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Houser, Jochum, Reynolds, and Stewart. 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 Rebuild Iowa Committee on Senate File 2336, and they were attached to the committee report.

## STATE GOVERNMENT

**Bill Title:** SENATE FILE 2311 (formerly SF 2141), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Appel, Kibbie, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, and Soddors. Nays, 5: Feenstra, Behn, Hartsuch, Seymour, and Wieck. Absent, none.

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

### ALSO:

**Bill Title:** SENATE FILE 2312 (formerly SF 2262), a bill for an act relating to the licensing of naturopathic physicians.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 12: Appel, Kibbie, Feenstra, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, Seymour, and Soddors. Nays, 3: Behn, Hartsuch, and Wieck. Absent, none.

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

### ALSO:

**Bill Title:** \*SENATE FILE 2322 (formerly SF 2091), a bill for an act concerning high alcoholic content beer.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Appel, Kibbie, Feenstra, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Soddors, and Wieck. Nays, none. Absent, 1: Behn.

**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 State Government Committee on Senate File 2322 and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2323 (formerly SF 2166), a bill for an act concerning requirements for granting a new license to conduct gambling games on a gambling boat or structure in a county with an existing gambling boat or structure.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Appel, Kibbie, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Soddors, and Wieck. Nays, 3: Feenstra, Black, and Seymour. Absent, 1: Behn.

**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 State Government Committee on Senate File 2323 and they were attached to the committee report.

**TRANSPORTATION**

**Bill Title:** \*SENATE FILE 2320 (formerly SF 2240), a bill for an act to allow the use of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, Reynolds, 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 Transportation Committee on Senate File 2320, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2321 (SSB 3070), a bill for an act prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, Reynolds, and Warnstadt. Nays, 1: Zaun. 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 Transportation Committee on Senate File 2321, and they were attached to the committee report.

**VETERANS AFFAIRS**

**Bill Title:** \*SENATE FILE 2297 (formerly SF 2183), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Soddors, and Wieck. 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 Veterans Affairs Committee on Senate File 2297, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2318 (formerly SF 2213), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Soddors, and Wieck. 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 Veterans Affairs Committee on Senate File 2318, and they were attached to the committee report.

## EVENING SESSION

The Senate reconvened at 4:11 p.m., President Kibbie presiding.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2201, 2191, 2173, 2158, 2156, and 2149.

**Senate File 2201**

On motion of Senator Heckroth, **Senate File 2201**, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the Iowa grain indemnity fund board, uniform securities Act, examination of insurance companies, life insurance companies and associations, utilization and cost control, external review of health care coverage decisions, insurance other than life, mortgage guaranty insurance, cemetery and funeral merchandise and funeral services, and regulation of cemeteries and making penalties applicable, was taken up for consideration.

Senator Heckroth offered amendment S-5055, filed by him from the floor to pages 12 and 14 of the bill, and moved its adoption.

Amendment S-5055 was adopted by a voice vote.

With the adoption of amendment S-5055, the Chair ruled amendment S-5050, filed by Senator Heckroth from the floor to page 14 of the bill, out of order.

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

On the question “Shall the bill pass?” (S.F. 2201), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

### Senate File 2191

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

Senator Stewart offered amendment S–5057, filed by him from the floor to pages 6–8 of the bill, and moved its adoption.

Amendment S–5057 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. 2191), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

### Senate File 2173

On motion of Senator Hancock, **Senate File 2173**, 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, was taken up for consideration.

Senator Bartz asked and received unanimous consent that action on **Senate File 2173** be **deferred**.

### Senate File 2158

On motion of Senator Kreiman, **Senate File 2158**, a bill for an act relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process, 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. 2158), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

## Senate File 2156

On motion of Senator Hatch, **Senate File 2156**, a bill for an act relating to the IowaCare program, and providing for repeals, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2156), the vote was:

Yeas, 46:

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

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

Nays, none.

Absent, 4:

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

### Senate File 2149

On motion of Senator Dotzler, **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, 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. 2149), the vote was:

Yeas, 46:

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

Danielson	Heckroth	Olive	Zaun
Dearden	Hogg	Quirnbach	
Dotzler	Horn	Ragan	

Nays, none.

Absent, 4:

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

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2149, 2156, 2158, 2191, and 2201** 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 2148, 2146, 2128, 2095, and 2073.

#### **Senate File 2148**

On motion of Senator Schmitz, **Senate File 2148**, a bill for an act relating to the organization and duties of the state board of health, was taken up for consideration.

Senator Schmitz asked and received unanimous consent that **House File 2183** be **substituted** for **Senate File 2148**.

#### **House File 2183**

On motion of Senator Schmitz, **House File 2183**, a bill for an act relating to the organization and duties of the state board of health, was taken up for consideration.

Senator Schmitz offered amendment S-5049, filed by her on February 11, 2010, to page 2 of the bill, and moved its adoption.

Amendment S-5049 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2183), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

### WITHDRAWN

Senator Schmitz asked and received unanimous consent that **Senate File 2148** be **withdrawn** from further consideration of the Senate.

### Senate File 2146

On motion of Senator Heckroth, **Senate File 2146**, a bill for an act relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2146), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

## Senate File 2128

On motion of Senator Dearden, **Senate File 2128**, a bill for an act requiring certain campaign finance statements and reports to be filed in an electronic format, 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. 2128), the vote was:

Yeas, 46:

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

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

Nays, none.

Absent, 4:

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

### Senate File 2095

On motion of Senator Sodders, **Senate File 2095**, a bill for an act relating to the authority of a certified law enforcement officer, was taken up for consideration.

Senator Sodders offered amendment S-5051, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5051 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. 2095), the vote was:

Yeas, 46:

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

Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Wilhelm
Danielson	Heckroth	Olive	Zaun
Dearden	Hogg	Quirnbach	
Dotzler	Horn	Ragan	

Nays, none.

Absent, 4:

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

### Senate File 2073

On motion of Senator Stewart, **Senate File 2073**, a bill for an act relating to the practice of accounting and to the organization and operation of the licensing boards included within the professional licensure and regulation bureau of the banking division in the department of commerce, was taken up for consideration.

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. 2073), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

McCoy

Ward

Warnstadt

Wieck

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

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2073, 2095, 2128, and 2146** and **House File 2183** be **immediately messaged** to the House.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2067 and House File 2075.

#### **Senate File 2067**

On motion of Senator Horn, **Senate File 2067**, a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees and including effective date provisions, was taken up for consideration.

Senator Horn offered amendment S-5052, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5052 was adopted by a voice vote.

Senator Horn 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. 2067), the vote was:

Yeas, 46:

Appel  
Bartz  
Beall

Dvorsky  
Feenstra  
Fraise

Houser  
Jochum  
Johnson

Reynolds  
Rielly  
Schmitz



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

Nays, none.

Absent, 4:

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

## House File 2075

On motion of Senator Dandekar, **House File 2075**, a bill for an act requiring health benefit coverage for certain cancer treatment delivered pursuant to approved cancer clinical trials and providing an applicability date, with report of committee recommending passage, was taken up for consideration.

Senator Dandekar 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. 2075), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

McCoy

Ward

Wieck

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

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2067** and **House File 2075** 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:

Roger Huston, Board of Athletic Training

Keith Johnson, Iowa State Civil Rights Commission

Patrick Baird, Iowa Jobs Board

Margo Underwood, Natural Resource Commission

Mabel Mantel, Board of Nursing Home Administrators

Karen Oberman, Chair of the Property Assessment Appeal Board

Karen Oberman, Property Assessment Appeal Board

Tomas Rodriguez, State Public Defender

J. Michael Tysklind, Board of Speech Pathology and Audiology

Joan Axel, Commission on the Status of Women

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

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

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

### CONFIRMATION OF GOVERNOR’S APPOINTMENT (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Joe O’Hern as Executive Director of the Iowa Finance Authority, placed on the Individual Confirmation Calendar on January 28, 2010, found on page 204 of the Senate Journal.

Senator Stewart moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 47:

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

Courtney	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wilhelm
Dearden	Hogg	Quirnbach	Zaun
Dotzler	Horn	Ragan	

Nays, none.

Absent, 3:

McCoy	Ward	Wieck
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The appointee, having received a two-thirds vote, was 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 2175 and 2157.

#### Senate File 2175

On motion of Senator Warnstadt, **Senate File 2175**, a bill for an act providing for representation of military veterans on certain mental health policy bodies, 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. 2175), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

McCoy                      Ward                      Wieck

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

### Senate File 2157

On motion of Senator Bolkcom, **Senate File 2157**, a bill for an act relating to the recording requirements for certain residential real estate installment sales contracts and including applicability 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. 2157), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

McCoy                      Ward                      Wieck

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

## HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 15, 2010, **adopted** the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 106**, a concurrent resolution to provide for a joint convention of the two houses of the 2010 session of the Eighty-third General Assembly be held on Tuesday, February 16, 2010, at 10:00 a.m.

Read first time and **placed on calendar**.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Concurrent Resolution 106.

**House Concurrent Resolution 106**

On motion of Senator Gronstal, **House Concurrent Resolution 106**, a concurrent resolution to provide for a joint convention of the two houses of the 2010 session of the Eighty-third General Assembly be held on Tuesday, February 16, 2010, at 10:00 a.m., was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 106, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2157 and 2175** and **House Concurrent Resolution 106** be **immediately messaged** to the House.

## BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following bills be referred from the Regular Calendar to the following committees:

S.F.	2294	Appropriations
S.F.	2296	Ways and Means
S.F.	2319	Ways and Means

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:25 p.m. until 8:45 a.m., Tuesday, February 16, 2010.

## APPENDIX—2

### CERTIFICATE OF RECOGNITION

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

Brooks Van Der Beek, Oskaloosa—For being named to the Pheasants Forever National Youth Leadership Council and being named Izaak Walton League “Iowa Youth Conservationist of the Year.” Senator Rielly (2/15/10).

### PRESENTATION OF VISITORS

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

Sixty high school students from the Davenport School District, accompanied by Richard Clewell. Senator Hamerlinck.

### REPORT OF COMMITTEE MEETING

#### REBUILD IOWA

**Convened:** Monday, February 15, 2010, 3:10 p.m.

**Members Present:** Hogg, Chair; Heckroth, Vice Chair; Appel, Dandekar, Hahn, Horn, Houser, Jochum, and Stewart.

**Members Absent:** Hamerlinck, Ranking Member; Dvorsky, Feenstra, and Reynolds (all excused).

**Committee Business:** Presentations by the Iowa League of Cities, Iowa Rural Water Association, and the City of Des Moines.

**Adjourned:** 4:00 p.m.

## INTRODUCTION OF BILLS

**Senate File 2344**, by committee on Judiciary, a bill for an act relating to the violator facility established within the department of corrections.

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

**Senate File 2345**, by committee on Judiciary, a bill for an act relating to judicial branch administration, child custody and visitation matters.

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

**Senate File 2346**, by committee on Commerce, a bill for an act relating to certain coverage provisions contained in uninsured and underinsured motor vehicle insurance coverage.

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

**Senate File 2347**, by committee on Commerce, a bill for an act prohibiting the advertising and conducting of certain live music performances or productions under specified circumstances, and making penalties applicable.

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

**Senate File 2348**, by committee on Commerce, a bill for an act providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions.

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



**Senate File 2349**, by committee on Commerce, 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.

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

**Senate File 2350**, by committee on Local Government, a bill for an act relating to prohibited contracts and activities for civil service commissioners.

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

**Senate File 2351**, by committee on Judiciary, a bill for an act enhancing the penalty for certain domestic abuse assault cases and providing a penalty.

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

**Senate File 2352**, by committee on Judiciary, a bill for an act relating to the emergency hospitalization of a person with a serious mental impairment.

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

**Senate File 2353**, by committee on State Government, a bill for an act relating to the provision of services through Iowa communications network connection facilities under specified circumstances.

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

**Senate File 2354**, by committee on State Government, a bill for an act relating to campaign finance, including political campaign activities and independent expenditures by corporations, and making penalties applicable.

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

**Senate File 2355**, by committee on State Government, a bill for an act relating to the licensure of persons engaged in fire protection system installation, maintenance, repair, service, or inspection.

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

## FINAL COMMITTEE REPORTS OF BILL ACTION

### COMMERCE

**Bill Title:** \*SENATE FILE 2346 (SSB 3102), a bill for an act relating to certain coverage provisions contained in uninsured and underinsured motor vehicle insurance coverage.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Warnstadt, Heckroth, Wieck, Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 1: McCoy.

**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 Commerce Committee on Senate File 2346, and they were attached to the committee report.

### ALSO:

**Bill Title:** \*SENATE FILE 2347 (formerly SF 2089), a bill for an act prohibiting the advertising and conducting of certain live music performances or productions under specified circumstances, and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Warnstadt, Heckroth, Wieck, Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 1: McCoy.

**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 Commerce Committee on Senate File 2347, and they were attached to the committee report.

### ALSO:

**Bill Title:** \*SENATE FILE 2348 (SSB 3155), a bill for an act providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 14: Warnstadt, Heckroth, Wieck, Behn, Bolkcom, Courtney, Dandekar, Hartsuch, Kettering, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 1: McCoy.

**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 Commerce Committee on Senate File 2348, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2349 (formerly SF 1), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Warnstadt, Heckroth, Bolkcom, Courtney, Dandekar, Hartsuch, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, 3: Wieck, Behn, and Kettering. Absent, 1: McCoy.

**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 Commerce Committee on Senate File 2349, and they were attached to the committee report.

## JUDICIARY

**Bill Title:** \*SENATE FILE 2344 (SSB 3039), a bill for an act relating to the violator facility established within the department of corrections.

**Recommendation:** APPROVED COMMITTEE BILL.

**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.

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2344, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2345 (SSB 3094), a bill for an act relating to judicial branch administration, child custody and visitation matters.

**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 2345, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2351 (SSB 1029), a bill for an act enhancing the penalty for certain domestic abuse assault cases and providing a penalty.

**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 2351, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2352 (formerly SF 2050), a bill for an act relating to the emergency hospitalization of a person with a serious mental impairment.

**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 2352, and they were attached to the committee report.

**LOCAL GOVERNMENT**

**Bill Title:** \*SENATE FILE 2350 (formerly SF 2024), a bill for an act relating to prohibited contracts and activities for civil service commissioners.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Quirnbach, Beall, Reynolds, Hamerlinck, Houser, Kapucian, Kreiman, Olive, Rielly, and Schoenjahn. Nays, none. Absent, 1: McCoy.

**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 Local Government Committee on Senate File 2350, and they were attached to the committee report.

**STATE GOVERNMENT**

**Bill Title:** \*SENATE FILE 2353 (SSB 3004), a bill for an act relating to the provision of services through Iowa communications network connection facilities under specified circumstances.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Appel, Kibbie, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, and Sodders. Nays, 5: Feenstra, Behn, Hartsuch, Seymour, and Wieck. 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 State Government Committee on Senate File 2353, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2354 (SSB 3210), a bill for an act relating to campaign finance, including political campaign activities and independent expenditures by corporations, and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Appel, Kibbie, Feenstra, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, and Sodders. Nays, 4: Behn, Hartsuch, Seymour, and Wieck. 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 State Government Committee on Senate File 2354, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2355 (SSB 3066), a bill for an act relating to the licensure of persons engaged in fire protection system installation, maintenance, repair, service, or inspection.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Appel, Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Sodders, and Wieck. 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 State Government Committee on Senate File 2355, and they were attached to the committee report.

### AMENDMENTS FILED

S-5050	S.F.	2201	Bill Heckroth
S-5051	S.F.	2095	Steven J. Sodders
S-5052	S.F.	2067	Wally E. Horn
S-5053	S.F.	2199	Rich Olive
S-5054	H.F.	2076	Bill Heckroth
S-5055	S.F.	2201	Bill Heckroth
S-5056	S.F.	2150	Merlin Bartz
S-5057	S.F.	2191	Roger Stewart
S-5058	S.F.	2340	Judiciary
S-5059	S.F.	2236	Bill Heckroth
S-5060	S.F.	2150	Merlin Bartz
S-5061	S.F.	2173	Merlin Bartz
S-5062	S.J.R.	2002	Merlin Bartz
S-5063	S.F.	2173	Merlin Bartz
S-5064	S.F.	2286	William A. Dotzler, Jr.
S-5065	S.F.	2181	William A. Dotzler, Jr.

# 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 to, 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 Quirmbach, **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 Quirmbach 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	Quirmbach	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	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 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 Quirnbach, **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 Quirmbach 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	Quirmbach	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 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	Quirmbach	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 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	Quirmbach	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	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 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	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 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	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 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	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 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
---------	------

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 Annual 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 Sodders

### **Senate File 2275**

EDUCATION: Heckroth, Chair; Dvorsky and Johnson

### **Senate File 2281**

EDUCATION: Dvorsky, Chair; McKinley and Quirmbach

### **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 Sodders. 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 Sodders. 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

S-5066	S.F.	2325	Bill Heckroth
S-5067	S.F.	2202	Joe Bolkcom
S-5068	S.F.	2196	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
S-5069	S.F.	2215	David Hartsuch
S-5070	S.F.	2317	Robert M. Hogg
S-5071	S.F.	2215	David Hartsuch
S-5072	S.F.	2088	House
S-5073	S.F.	2329	Rich Olive

# JOURNAL OF THE SENATE

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THIRTY-EIGHTH CALENDAR DAY  
TWENTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 17, 2010

The Senate met in regular session at 9:06 a.m., President Kibbie presiding.

Prayer was offered by Bishop Alan Scarfe of the Episcopal Diocese in Des Moines, Iowa. He was the guest of Senator Hogg.

The Journal of Tuesday, February 16, 2010, was approved.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 104.

### **Senate Resolution 104**

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

Senator Beall moved the adoption of Senate Resolution 104, which motion prevailed by a voice vote.

## SPECIAL GUESTS

Senator Beall introduced to the Senate chamber the Consul General of Canada, Martin Loken. He was accompanied by his

delegation consisting of Graham Rush, Jennifer Kay, Joel Wessman, and Courtney Selstad.

Consul General Loken addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 9:24 a.m. until 3:00 p.m.

## APPENDIX—1

### CERTIFICATES OF RECOGNITION

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

The Honorable Martin Loken, Canadian Consul General—Proclaiming him a distinguished guest of the people of Iowa and declaring today Canada Day at the Iowa State Capitol. Senator Beall (2/17/10).

Houston Breshears—For achieving the rank of Eagle Scout. Senator Quirnbach (2/17/10).

Virgil and Mildred Crouch, Irwin—For celebrating their 75<sup>th</sup> wedding anniversary. Senator Boettger (2/17/10).

Anthony “AJ” Giebelstein—For achieving the rank of Eagle Scout. Senator Quirnbach (2/17/10).

Michael Masteller—For achieving the rank of Eagle Scout. Senator Quirnbach (2/17/10).

Lenard and Annabel Schroder, Atlantic—For celebrating their 60<sup>th</sup> wedding anniversary. Senator Boettger (2/17/10).

Ray Strekal, Perry—For being inducted into the Iowa Volunteer Hall of Fame. Senator Behn (2/17/10).

Leonard and Mary Pat Tremel, Earling—For celebrating their 60<sup>th</sup> wedding anniversary. Senator Boettger (2/17/10).

Gregory Wheelock—For achieving the rank of Eagle Scout. Senator Quirnbach (2/17/10).



## REPORTS OF COMMITTEE MEETINGS

### WAYS AND MEANS

**Convened:** Tuesday, February 16, 2010, 4:05 p.m.

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

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

**Committee Business:** Approved SSB 3112. Passed SFs 2233 and 2802.

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

### APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** Wednesday, February 17, 2010, 10:20 a.m.

**Members Present:** Seng, Chair; Black, Vice Chair; Hahn, Ranking Member; and Wilhelm.

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

**Committee Business:** Presentations by Iowa Soybeans and the Legislative Services Agency.

**Adjourned:** 11:10

### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** Wednesday, February 17, 2010, 10:15 a.m.

**Members Present:** Dotzler, Chair; Heckroth, Vice Chair; Dandekar and Reynolds.

**Members Absent:** Kapucian, Ranking Member (excused).

**Committee Business:** Presentations by the University of Iowa, the University of Northern Iowa, and Iowa State University.

**Adjourned:** 11:25 a.m.

### APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

**Convened:** Wednesday, February 17, 2010, 10:20 a.m.

**Members Present:** Hancock, Chair; Hogg, Vice Chair; Noble, Ranking Member; Fraise and Zaun.

**Members Absent:** None.

**Committee Business:** Presentations by the Director of Department of Corrections and the Director of Health Services.

**Adjourned:** 11:45 a.m.

## INTRODUCTION OF BILL

**Senate File 2361**, by committee on Judiciary, a bill for an act relating to criminal law by making changes to existing criminal offenses, deferred judgments and expunged records, and making penalties applicable.

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

## SUBCOMMITTEE ASSIGNMENTS

### **Senate File 2360**

AGRICULTURE: Olive, Chair; Behn and Seng

### **House File 426**

JUDICIARY: Sodders, Chair; Noble and Schoenjahn

### **House File 2197**

VETERANS AFFAIRS: Sodders, Chair; Black and Seymour

### **House File 2198**

VETERANS AFFAIRS: Beall, Chair; Danielson and Seymour

### **House File 2273**

AGRICULTURE: Fraise, Chair; Black and Kapucian

### **House File 2283**

HUMAN RESOURCES: Wilhelm, Chair; Schmitz and Seymour

### **House File 2284**

HUMAN RESOURCES: Bolkcom, Chair; Hartsuch and Wilhelm

### **House File 2286**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**House File 2287**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**House File 2288**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**House File 2372**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**House File 2374**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**House File 2377**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**House File 2392**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**SSB 3232**

WAYS AND MEANS: Seng, Chair; Hogg and Ward

**FINAL COMMITTEE REPORT OF BILL ACTION**

**JUDICIARY**

**Bill Title:** \*SENATE FILE 2361 (SSB 1203), a bill for an act relating to criminal law by making changes to existing criminal offenses, deferred judgments and expunged records, and making penalties applicable.

**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 2361, and they were attached to the committee report.

## AFTERNOON SESSION

The Senate reconvened at 3:08 p.m., President Kibbie presiding.

Senator Kibbie announced that the contributions collected from senators and staff for the children of Haiti totaled \$457.00 and have been taken to the Red Cross.

The Senate stood at ease at 3:09 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:14 p.m., President Kibbie presiding.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 17, 2010, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 2280**, a bill for an act providing for the treatment of animals other than agricultural animals, by providing for regulation of commercial establishments, providing for fees, providing penalties, and including effective date provisions.

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

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Ward, until she arrives, on request of Senator Kettering; Senator Horn, until he arrives, on request of Senator Fraise; and Senator McCoy, until he arrives, on request of Senator Courtney.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Joint Resolution 2008.

## Senate Joint Resolution 2008

On motion of Senator Schmitz, **Senate Joint Resolution 2008**, a joint resolution nullifying rules adopted by the educational examiners board, and relating to the contents of a complaint notice, and including effective date provisions, was taken up for consideration.

Senator Schmitz 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 2008**, a joint resolution nullifying rules adopted by the educational examiners board, and relating to the contents of a complaint notice, and including effective date provisions. BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. 282 Iowa administrative code, rule 11.4, subrule 5, is nullified.

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

On the question “Shall the resolution be adopted?” (S.J.R. 2008), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Horn                      McCoy                      Ward

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 2350, 2344, 2179, and 2178.

#### **Senate File 2350**

On motion of Senator Rielly, **Senate File 2350**, a bill for an act relating to prohibited contracts and activities for civil service commissioners, 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. 2350), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Horn                      McCoy                      Ward

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

### Senate File 2344

On motion of Senator Hancock, **Senate File 2344**, a bill for an act relating to the violator facility established within the department of corrections, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2344), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

Horn	McCoy	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 2179

On motion of Senator Beall, **Senate File 2179**, a bill for an act concerning the use of child restraint systems or seat belts by motor vehicle passengers who are minors and making a penalty applicable, 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. 2179), the vote was:

Yeas, 39:

Appel	Dvorsky	Jochum	Schmitz
Beall	Feenstra	Johnson	Schoenjahn
Black	Fraise	Kapucian	Seng
Boettger	Gronstal	Kibbie	Seymour
Bolkcom	Hahn	Kreiman	Sodders
Courtney	Hamerlinck	McCoy	Stewart
Dandekar	Hancock	Olive	Warnstadt
Danielson	Hatch	Quirmbach	Wilhelm
Dearden	Heckroth	Ragan	Zaun
Dotzler	Hogg	Rielly	

Nays, 9:

Bartz	Houser	Noble
Behn	Kettering	Reynolds
Hartsuch	McKinley	Wieck

Absent, 2:

Horn	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 2178

On motion of Senator Heckroth, **Senate File 2178**, a bill for an act relating to textbooks and laptop computers or other personal portable computing devices adopted for use by school districts and provided to public and accredited nonpublic school students, was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 2178), the vote was:

Yeas, 45:

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

Nays, 3:

Bolkcom	Dvorsky	Quirnbach
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Absent, 2:

Horn	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.

UNFINISHED BUSINESS  
(Deferred February 15, 2010)

**Senate File 2173**

The Senate resumed consideration of **Senate File 2173**, 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, deferred February 15, 2010.

Senator Bartz offered amendment S-5063, filed by him on February 15, 2010, to pages 1 and 9 and amending the title page of the bill.

Senator Hancock raised the point of order that amendment S-5063 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5063 out of order.

(Senate File 2173 was deferred.)

The Senate stood at ease at 5:04 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 5:17 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2173.

Senator Bartz offered amendment S-5061, filed by him on February 15, 2010, to page 3 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5061 be adopted?" (S.F. 2173), the vote was:

Yeas, 17:

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

Nays, 32:

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

Absent, 1:

Ward

Amendment S-5061 lost.

Senator Hancock asked and received unanimous consent that **House File 2319** be **substituted** for **Senate File 2173**.

### **House File 2319**

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

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

On the question "Shall the bill pass?" (H.F. 2319), the vote was:

Yeas, 40:

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

Nays, 9:

Bartz	Feenstra	Kettering
Behn	Houser	McKinley
Boettger	Johnson	Seymour

Absent, 1:

Ward

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

### WITHDRAWN

Senator Hancock asked and received unanimous consent that **Senate File 2173** be **withdrawn** from further consideration of the Senate.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2150.

### Senate File 2150

On motion of Senator Heckroth, **Senate File 2150**, A bill for an act relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions, was taken up for consideration.

Senator Bartz offered amendment S-5076, filed by him from the floor to pages 1-3 of the bill.

Senator Bartz offered amendment S-5080, filed by him from the floor to pages 1 and 2 of amendment S-5076, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5080 to amendment S-5076 be adopted?" (S.F. 2150), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 16:

Bartz	Hahn	Johnson	Noble
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	Kreiman	Wieck
Feenstra	Houser	McKinley	Zaun

Nays, 33:

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

Absent, 1:

Ward

Amendment S-5080 lost.

Senator Bartz moved the adoption of amendment S-5076.

A record roll call was requested.

On the question "Shall amendment S-5076 be adopted?" (S.F. 2150), the vote was:

Yeas, 20:

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

Nays, 29:

Appel	Fraise	Kibbie	Seng
Beall	Gronstal	McCoy	Sodders
Bolkcom	Hancock	Olive	Stewart
Courtney	Hatch	Quirnbach	Warnstadt

Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	
Dotzler	Horn	Schmitz	
Dvorsky	Jochum	Schoenjahn	

Absent, 1:

Ward

Amendment S–5076 lost.

Senator Bartz withdrew amendment S–5060, filed by him on February 15, 2010, to page 2 of the bill.

Senator Bartz withdrew amendment S–5056, filed by him on February 15, 2010, to page 3 and amending the title page of the bill.

Senator Bartz offered amendment S–5078, filed by him from the floor to page 3 and amending the title page of the bill.

Senator Bartz asked and received unanimous consent that action on amendment S–5078 and **Senate File 2150** be **deferred**.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2352.

#### **Senate File 2352**

On motion of Senator Soddors, **Senate File 2352**, A bill for an act relating to the emergency hospitalization of a person with a serious mental impairment, 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. 2352), the vote was:

Yeas, 48:

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

Nays, none.

Absent, 2:

Seymour                      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 Joint Resolution 2008, Senate Files 2178, 2179, 2344, 2350 and 2352, and House File 2319** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:09 p.m. until 8:45 a.m., Thursday, February 18, 2010.

**APPENDIX—2****CERTIFICATE OF RECOGNITION**

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

Preston Hoebelheinrich, Rock Valley—For qualifying for the Class 2-A State Wrestling Tournament at 119 pounds. Senator Feenstra (2/17/10).

**REPORTS OF COMMITTEE MEETINGS****GOVERNMENT OVERSIGHT**

**Convened:** Wednesday, February 17, 2010, 10:15 a.m.

**Members Present:** Olive, Chair; Courtney, Vice Chair; and Wieck.

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

**Committee Business:** Presentation by the Ombudsman.

**Adjourned:** 11:10 a.m.

**TRANSPORTATION**

**Convened:** Wednesday, February 17, 2010, 2:05 p.m.

**Members Present:** Rielly, Chair; Beall, Vice Chair; Noble, Ranking Member; Dandekar, Danielson, Hahn, Kapucian, Reynolds, Warnstadt, and Zaun.

**Members Absent:** Hancock, Heckroth, and McCoy (all excused).

**Committee Business:** Presentation by the Department of Transportation.

**Adjourned:** 2:40 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** Wednesday, February 17, 2010, 10:15 a.m.

**Members Present:** Danielson, Chair; Jochum, Vice Chair; Bartz, Ranking Member; and Kreiman.

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

**Committee Business:** Presentations by the Ethics and Campaign Disclosure Board and the Iowa Capitol Planning Commission.

**Adjourned:** 11:15 a.m.



**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,  
INFRASTRUCTURE, AND CAPITALS**

**Convened:** Wednesday, February 17, 2010, 10:15 a.m.

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

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

**Committee Business:** Discussion on the Honey Creek State Park and Resort.

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

**INTRODUCTION OF RESOLUTION**

**Senate Resolution 105**, by McCoy, a resolution to recognize and celebrate the life, work, and public service of John Ruan.

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

**STUDY BILL RECEIVED****SSB 3232      Ways and Means**

Providing an Iowa individual income tax checkoff for an American red cross natural disaster relief fund for Iowa chapters, making an appropriation, providing for the Act's implementation, and including effective date and retroactive applicability provisions.

**SUBCOMMITTEE ASSIGNMENT****Senate File 2336**

WAYS AND MEANS: Dandekar, Chair; Hamerlinck and Hogg

**BILL SIGNED BY THE GOVERNOR**

A communication was received announcing that on February 17, 2010, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2108 – Relating to artisan's liens and Iowa's consumer frauds Act and making remedies applicable and including effective date provisions.

## AMENDMENTS FILED

S-5074	S.F.	2291	Becky Schmitz
S-5075	S.F.	2274	Steve Warnstadt
S-5076	S.F.	2150	Merlin Bartz
S-5077	S.F.	2279	Thomas G. Courtney
S-5078	S.F.	2150	Merlin Bartz
S-5079	S.F.	2273	Steve Warnstadt
S-5080	S.F.	2150	Merlin Bartz
S-5081	S.F.	2343	Larry Noble
S-5082	S.F.	2317	Robert M. Hogg
S-5083	S.F.	2088	David Hartsuch
S-5084	S.F.	2088	David Hartsuch
S-5085	S.F.	2329	Rich Olive
S-5086	S.F.	2321	Staci Appel Bill Heckroth
S-5087	S.F.	2265	Bill Heckroth
S-5088	S.F.	2330	Rich Olive
S-5089	H.F.	2376	Shawn Hamerlinck
S-5090	S.F.	2355	Shawn Hamerlinck
S-5091	S.F.	2298	Keith A. Kreiman

# JOURNAL OF THE SENATE

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THIRTY-NINTH CALENDAR DAY  
TWENTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 18, 2010

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

Prayer was offered by Father Paul Connolly of St. Joseph Catholic Church in DeWitt, Iowa. He was the guest of Senator Stewart.

The Journal of Wednesday, February 17, 2010, was approved.

## RECESS

On motion of Senator Courtney, the Senate recessed at 9:04 a.m. until 2:15 p.m.

## AFTERNOON SESSION

The Senate reconvened at 2:21 p.m., President Pro Tempore Danielson presiding.

## 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 18, 2010, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 2076**, a bill for an act relating to economic development including changes to the administration of certain economic development programs and to the terms served by members

of the economic development board and including effective date provisions.

ALSO: That the House has on February 18, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 785**, a bill for an act relating to lead wheel weights on state-owned motor vehicles.

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

**House File 2310**, a bill for an act relating to raising or releasing pen-reared pheasants originating from a hatchery approved by the department of natural resources.

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

**House File 2370**, a bill for an act relating to enterprise zones by extending the application deadline for certification of enterprise zones and by updating certain fiscal year limitations.

Read first time and referred to committee on **Ways and Means**.

**House File 2403**, a bill for an act making changes to the uniform controlled substances Act.

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

**House File 2405**, a bill for an act relating to the confidentiality of information disclosed pursuant to applications for broadband technology project grants, and projects undertaken pursuant thereto, and including effective date and applicability provisions.

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

**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.

Read first time and attached to **similar Senate File 2292**.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kibbie, until he returns, on request of Senator Gronstal; and Senator Ward, until she arrives, on request of Senator Kettering.

## CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2317, 2304, and 2340.

### Senate File 2317

On motion of Senator Hogg, **Senate File 2317**, a bill for an act authorizing the creation of watershed management authorities, was taken up for consideration.

Senator Hogg withdrew amendment S-5070, filed by him on February 16, 2010, to pages 1 and 3 of the bill.

Senator Hogg offered amendment S-5082, filed by him on February 17, 2010, to pages 1-3 of the bill, and moved its adoption.

Amendment S-5082 was adopted by a voice vote.

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. 2317), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Johnson	Schmitz
Behn	Gronstal	Kapucian	Schoenjahn
Black	Hahn	Kettering	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:

Kibbie	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 2304

On motion of Senator Sodders, **Senate File 2304**, a bill for an act relating to vehicular accident reporting requirements by increasing the minimum amount of property damage necessitating a written report, 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. 2304), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Johnson	Schmitz
Behn	Gronstal	Kapucian	Schoenjahn
Black	Hahn	Kettering	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:

Kibbie	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 2340

On motion of Senator Noble, **Senate File 2340**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and applicability provisions, was taken up for consideration.

Senator Noble offered amendment S-5058, filed by the committee on Judiciary on February 15, 2010, to page 11 of the bill, and moved its adoption.

Amendment S-5058 was adopted by a voice vote.

Senator Noble 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. 2340), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Johnson	Schmitz
Behn	Gronstal	Kapucian	Schoenjahn
Black	Hahn	Kettering	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:

Kibbie                      Ward

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

UNFINISHED BUSINESS  
(Deferred February 17, 2010)

**Senate File 2150**

The Senate resumed consideration of **Senate File 2150**, a bill for an act relating to intermediate driver's licenses and special minor's licenses, making a penalty applicable, and including effective date provisions, and amendment S-5078, deferred February 17, 2010.

Senator Bartz withdrew amendment S-5078.

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

On the question "Shall the bill pass?" (S.F. 2150), the vote was:

Yeas, 47:

Appel	Feenstra	Jochum	Rielly
Beall	Fraise	Johnson	Schmitz
Behn	Gronstal	Kapucian	Schoenjahn
Black	Hahn	Kettering	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
Dvorsky	Houser	Reynolds	

Nays, 1:

Bartz

Absent, 2:

Kibbie                      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 2150, 2304, 2317, and 2340** 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 2303, 2300, 2299, 2297, and 2291.

**Senate File 2303**

On motion of Senator Kreiman, **Senate File 2303**, a bill for an act relating to detainers lodged against parolees in this state, 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. 2303), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Johnson	Schmitz
Behn	Gronstal	Kapucian	Schoenjahn
Black	Hahn	Kettering	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:

Kibbie                      Ward

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

### Senate File 2300

On motion of Senator Kreiman, **Senate File 2300**, a bill for an act relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date provisions, 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. 2300), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Reynolds
Bartz	Feenstra	Jochum	Rielly
Beall	Fraise	Johnson	Schmitz
Behn	Gronstal	Kapucian	Schoenjahn
Black	Hahn	Kettering	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:

Kibbie                      Ward

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

## Senate File 2299

On motion of Senator Fraise, **Senate File 2299**, a bill for an act relating to grain transactions by regulating grain dealers and warehouse operators, providing for fees, and making penalties applicable, was taken up for consideration.

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

On the question “Shall the bill pass?” (S.F. 2299), the vote was:

Yeas, 47:

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

Nays, none.

Absent, 3:

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dvorsky, until he returns, on request of Senator Hogg.

## Senate File 2297

On motion of Senator Warnstadt, **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, 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. 2297), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

## Senate File 2291

On motion of Senator Schmitz, **Senate File 2291**, a bill for an act relating to special education rights and duties and to the related duties and operations of the department of education and local school boards, was taken up for consideration.

Senator Schmitz offered amendment S-5074, filed by her on February 17, 2010, to page 1 of the bill, and moved its adoption.

Amendment S-5074 was adopted by a voice vote.

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. 2291), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2291, 2297, 2299, 2300, and 2303** 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 2279, 2273, 2272, 2271, 2270, and 2265.

**Senate File 2279**

On motion of Senator Courtney, **Senate File 2279**, a bill for an act extending the voluntary shared unemployment compensation work program for additional weeks, was taken up for consideration.

Senator Courtney offered amendment S-5077, filed by him on February 17, 2010, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-5077 was adopted by a voice vote.

Senator Courtney 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. 2279), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

### Senate File 2273

On motion of Senator Warnstadt, **Senate File 2273**, a bill for an act relating to a study regarding implementation of electronic registration and titling of vehicles, was taken up for consideration.

Senator Warnstadt offered amendment S-5079, filed by him on February 17, 2010, amending the title page of the bill, and moved its adoption.

Amendment S-5079 was adopted by a voice vote.

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. 2273), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

## Senate File 2272

On motion of Senator Heckroth, **Senate File 2272**, a bill for an act relating to the Iowa life and health insurance guaranty association regarding coverage, benefits, duties, powers, rights, the operation of the Iowa life and health insurance guaranty association, and the coordination of coverage and benefits with those of similar associations of other states, and to the Iowa insurance guaranty association with respect to covered claims, benefits, limitations, duties, and powers of the Iowa insurance guaranty association, and coordination and cooperation by it with similar associations of other states, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2272), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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



## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Dandekar and McCoy, until they return, on request of Senator Beall.

**Senate File 2271**

On motion of Senator Schoenjahn, **Senate File 2271**, 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, was taken up for consideration.

Senator Schoenjahn asked and received unanimous consent that action on **Senate File 2271** be **deferred**.

**Senate File 2270**

On motion of Senator Jochum, **Senate File 2270**, a bill for an act relating to workplace accommodations for employees who express breast milk, 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. 2270), the vote was:

Yeas, 29:

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

Nays, 15:

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

Absent, 6:

Dandekar	Kibbie	Ward
Dvorsky	McCoy	Wieck

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

## BUSINESS PENDING

### Senate File 2271

The Senate resumed consideration of **Senate File 2271**, 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, previously deferred.

Senator Schoenjahn asked and received unanimous consent that **House File 2376** be **substituted** for **Senate File 2271**.

### House File 2376

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

Senator Hamerlinck offered amendment S-5089, 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-5089 be adopted?" (H.F. 2376), the vote was:

Yeas, 16:

Bartz	Hahn	Johnson	Reynolds
Behn	Hartsuch	Kapucian	Seng
Boettger	Hatch	McKinley	Seymour
Feenstra	Houser	Noble	Zaun

Nays, 30:

Appel	Dvorsky	Jochum	Schmitz
Beall	Fraise	Kettering	Schoenjahn
Black	Gronstal	Kibbie	Sodders
Bolkcom	Hamerlinck	Kreiman	Stewart
Courtney	Hancock	Olive	Warnstadt
Danielson	Heckroth	Quirmbach	Wilhelm
Dearden	Hogg	Ragan	
Dotzler	Horn	Rielly	

Absent, 4:

Dandekar	McCoy	Ward	Wieck
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Amendment S-5089 lost.

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?" (H.F. 2376), the vote was:

Yeas, 35:

Appel	Dvorsky	Horn	Rielly
Bartz	Fraise	Jochum	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Black	Hamerlinck	Kibbie	Seng
Bolkcom	Hancock	Kreiman	Sodders
Courtney	Hartsuch	McKinley	Stewart
Danielson	Hatch	Olive	Warnstadt
Dearden	Heckroth	Quirmbach	Wilhelm
Dotzler	Hogg	Ragan	

Nays, 11:

Behn	Hahn	Kapucian	Seymour
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	

Absent, 4:

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

## WITHDRAWN

Senator Schoenjahn asked and received unanimous consent that **Senate File 2271** be **withdrawn** from further consideration of the Senate.

**Senate File 2265**

On motion of Senator Heckroth, **Senate File 2265**, a bill for an act establishing smart planning principles, establishing guidelines for the adoption of certain comprehensive plans and land development regulations, and providing for the establishment of a smart planning task force, was taken up for consideration.

Senator Heckroth offered amendment S-5087, filed by him on February 17, 2010, to pages 2 and 17 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5087 be adopted?" (S.F. 2265), the vote was:

Yeas, 30:

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

Nays, 16:

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

Absent, 4:

Dandekar	McCoy	Ward	Wieck
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Amendment S-5087 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2265), the vote was:

Yeas, 39:

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

Nays, 7:

Behn	Hahn	Hartsuch	Kettering
Feenstra	Hamerlinck	Johnson	

Absent, 4:

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

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2265, 2270, 2272, 2273, and 2279** 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 2248, 2250, 2236, and 2222.

## Senate File 2248

On motion of Senator Rielly, **Senate File 2248**, a bill for an act relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable, 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. 2248), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

## Senate File 2250

On motion of Senator Kreiman, **Senate File 2250**, a bill for an act creating the criminal offense of robbery in the third degree, and providing a penalty, 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. 2250), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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

### Senate File 2236

On motion of Senator Heckroth, **Senate File 2236**, a bill for an act relating to economic development by establishing an Iowa innovation council in the department of economic development and by providing for certain reports on innovation and commercialization within certain targeted industries, was taken up for consideration.

Senator Heckroth offered amendment S-5059, filed by him on February 15, 2010, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-5059 was adopted by a voice vote.

Senator Heckroth asked and received unanimous consent that **House File 2076** be **substituted** for **Senate File 2236**.

## House File 2076

On motion of Senator Heckroth, **House File 2076**, a bill for an act relating to economic development by establishing an Iowa innovation council in the department of economic development and by providing for certain reports on innovation and commercialization within certain targeted industries, was taken up for consideration.

Senator Heckroth offered amendment S-5054, filed by him on February 15, 2010, to page 1 of the bill, and moved its adoption.

Amendment S-5054 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2076), the vote was:

Yeas, 46:

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

Nays, none.

Absent, 4:

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



## WITHDRAWN

Senator Heckroth asked and received unanimous consent that **Senate File 2236** be **withdrawn** from further consideration of the Senate.

**Senate File 2222**

On motion of Senator Hogg, **Senate File 2222**, a bill for an act relating to Iowa's uniform disclaimer of property interest Act, was taken up for consideration.

Senator Hogg asked and received unanimous consent that **House File 2253** be **substituted** for **Senate File 2222**.

**House File 2253**

On motion of Senator Hogg, **House File 2253**, a bill for an act relating to Iowa's uniform disclaimer of property interest Act, 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. 2253), the vote was:

Yeas, 46:

Appel	Feenstra	Jochum	Rielly
Bartz	Fraise	Johnson	Schmitz
Beall	Gronstal	Kapucian	Schoenjahn
Behn	Hahn	Kettering	Seng
Black	Hamerlinck	Kibbie	Seymour
Boettger	Hancock	Kreiman	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wilhelm
Dearden	Hogg	Quirnbach	Zaun
Dotzler	Horn	Ragan	
Dvorsky	Houser	Reynolds	

Nays, none.

Absent, 4:

Dandekar

McCoy

Ward

Wieck

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 2222** be **withdrawn** from further consideration of the Senate.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2248** and **2250** and **House Files 2253** and **2076** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:36 p.m. until 1:00 p.m., Monday, February 22, 2010.

### APPENDIX

#### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### DEPARTMENT OF HUMAN SERVICES

Assisted Living Service Workgroup Report, pursuant to 2009 Iowa Acts, HF 317. Report received on February 17, 2010.

## CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Johanna Van Klompenburg, Orange City—For celebrating her 100<sup>th</sup> birthday. Senator Feenstra (2/18/10).

Aaron Swailes, Columbus Junction—State Honoree, Prudential Spirit of Community Award. Senator Schmitz (2/18/10).

## REPORTS OF COMMITTEE MEETINGS

### APPROPRIATIONS

**Convened:** Thursday, February 18, 2010, 1:10 p.m.

**Members Present:** Dvorsky, Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hahn, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt.

**Members Absent:** McCoy, Vice Chair (excused).

**Committee Business:** Approved SSB 3197.

**Recessed:** 1:15 p.m.

**Reconvened:** 1:45 p.m.

**Adjourned:** 1:55 p.m.

### COMMERCE

**Convened:** Thursday, February 18, 2010, 11:40 a.m.

**Members Present:** Warnstadt, Chair; Wieck, Ranking Member; Behn, Bolkcom, Courtney, Hartsuch, Kettering, Olive, Rielly, Schmitz, and Stewart.

**Members Absent:** Heckroth, Vice Chair; Dandekar, McCoy, and Ward (all excused).

**Committee Business:** Passed HF 2111.

**Adjourned:** 11:45 a.m.

### GOVERNMENT OVERSIGHT

**Convened:** Thursday, February 18, 2010, 10:45 a.m.

**Members Present:** Olive, Chair; Courtney, Vice Chair; and Sodders.

**Members Absent:** Ward, Ranking Member; and Wieck (both excused).

**Committee Business:** Presentation by the Iowa Agricultural Development Authority.

**Adjourned:** 11:05 a.m.

## NATURAL RESOURCES

**Convened:** Thursday, February 18, 2010, 2:00 p.m.

**Members Present:** Dearden, Chair; Hancock, Vice Chair; Hahn, Ranking Member; Bartz, Black, Bolkom, Fraise, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng.

**Members Absent:** None.

**Committee Business:** Passed HF 2200, as amended.

**Adjourned:** 2:15 p.m.

## APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** Thursday, February 18, 2010, 10:45 a.m.

**Members Present:** Dotzler, Chair; Heckroth, Vice Chair; Kapucian, Ranking Member; and Dandekar.

**Members Absent:** Reynolds (excused).

**Committee Business:** Presentation by the Small Business Development Center.

**Adjourned:** 11:30 a.m.

## APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** Wednesday, February 17, 2010, 10:15 a.m.

**Members Present:** Schoenjahn, Chair; Quirmbach, Vice Chair; Boettger, Ranking Member; Feenstra and Horn.

**Members Absent:** None.

**Committee Business:** General discussion.

**Adjourned:** 10:25 a.m.

## APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

**Convened:** Thursday, February 18, 2010, 10:45 a.m.

**Members Present:** Hancock, Chair; Hogg, Vice Chair; Noble, Ranking Member; Fraise and Zaun.

**Members Absent:** None.

**Committee Business:** Presentations by the Department of Justice, the Drug Courts, and the Department of Corrections.

**Adjourned:** 12:15 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** Thursday, February 18, 2010, 10:45 a.m.

**Members Present:** McCoy, Chair; and Warnstadt, Vice Chair.

**Members Absent:** Seymour, Ranking Member; Beall and Hamerlinck (all excused).

**Committee Business:** Presentation by the Department of Administrative Services.

**Adjourned:** 11:45 a.m.

#### **INTRODUCTION OF BILLS**

**Senate File 2362**, by Johnson, a bill for an act requiring the commissioner of insurance to certify certain health insurance policies, contracts, or plans that promote healthy lifestyles, providing for premium credits, and including applicability provisions.

Read first time under Rule 28 and referred to committee on **Commerce**.

**Senate File 2363**, by committee on Ways and Means, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, moneys and credits tax, insurance premiums tax, sales and use taxes, fees for new vehicle registration, franchise fees, and the environmental protection charge, making penalties applicable, and including retroactive applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

**Senate File 2364**, by committee on Ways and Means, a bill for an act relating to the income tax checkoff for the child abuse prevention program fund and including retroactive applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

**Senate File 2365**, by committee on Ways and Means, a bill for an act providing for the treatment of animals other than agricultural animals, by providing for regulation of commercial establishments, providing for reporting of threatened animals, providing for fees, providing penalties, and including effective date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

#### STUDY BILLS RECEIVED

##### **SSB 3233      Ways and Means**

Providing for a sales tax exemption for purchases made by a nonprofit blood bank licensed by the federal food and drug administration.

##### **SSB 3234      Ways and Means**

Relating to the policy administration of the tax and related laws by the department of revenue, including administration of income taxes, sales and use taxes, motor fuel taxes, property taxes, and inheritance taxes, providing for taxpayer information exchanges with the department of workforce development, making penalties applicable, and including effective date and applicability provisions.

#### SUBCOMMITTEE ASSIGNMENTS

##### **Senate File 2362**

COMMERCE: Rielly, Chair; Warnstadt and Wieck

##### **House File 2284** (Reassigned)

HUMAN RESOURCES: Bolkcom, Chair; Johnson and Wilhelm

**House File 2294**

REBUILD IOWA: Appel, Chair; Jochum and Reynolds

**House File 2295**

EDUCATION: Schmitz, Chair; Boettger and Wilhelm

**SSB 3233**

WAYS AND MEANS: Seng, Chair; Hamerlinck and Stewart

**SSB 3234**

WAYS AND MEANS: Jochum, Chair; Bolkcom and Zaun

**FINAL COMMITTEE REPORTS OF BILL ACTION****COMMERCE**

**Bill Title:** HOUSE FILE 2111 (HSB 524), a bill for an act providing notification to the department of workforce development by the secretary of state when certain business entities apply for reinstatement after dissolution to ensure certain tax obligations have been fulfilled.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Warnstadt, Wieck, Behn, Bolkcom, Courtney, Hartsuch, Kettering, Olive, Rielly, Schmitz, and Stewart. Nays, none. Absent, 4: Heckroth, Dandekar, McCoy, and Ward.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**NATURAL RESOURCES**

**Bill Title:** HOUSE FILE 2200 (formerly HF 721), a bill for an act relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5095.

**Final Vote:** Ayes, 13: Dearden, Hancock, Hahn, Bartz, Black, Bolkcom, Fraise, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**WAYS AND MEANS**

**Bill Title:** SENATE FILE 2363 (SSB 3112), a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, moneys and credits tax, insurance premiums tax, sales and use taxes, fees for new vehicle registration, franchise fees, and the environmental protection charge, making penalties applicable, and including retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 16: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirnbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, none. Absent, 1: Ward.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** SENATE FILE 2364 (formerly SF 2082), a bill for an act relating to the income tax checkoff for the child abuse prevention program fund and including retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 16: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirnbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, none. Absent, 1: Ward.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** \*SENATE FILE 2365 (formerly SF 2233), a bill for an act providing for the treatment of animals other than agricultural animals, by providing for regulation of commercial establishments, providing for reporting of threatened animals, providing for fees, providing penalties, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 16: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirnbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, none. Absent, 1: Ward.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2365, and they were attached to the committee report.



## MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 2376 passed the Senate on February 18, 2010.

SHAWN HAMERLINCK

## BILL ATTACHED

President Kibbie announced that **House File 2280** was attached to similar **Senate File 2365**.

## AMENDMENTS FILED

S-5092	S.F.	2355	Shawn Hamerlinck
S-5093	S.F.	2337	Thomas G. Courtney
S-5094	S.F.	2253	Keith A. Kreiman
S-5095	H.F.	2200	Natural Resources
S-5096	S.F.	2316	Robert M. Hogg
S-5097	S.F.	2292	John P. Kibbie

# JOURNAL OF THE SENATE

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FORTY-THIRD CALENDAR DAY  
TWENTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, February 22, 2010

The Senate met in regular session at 1:13 p.m., President Kibbie presiding.

Prayer was offered by Reverend Chris Piersma, pastor of the Trinity Reformed Church in Pella, Iowa. He was the guest of Senator McKinley.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Aaron Pope.

The Journal of Thursday, February 18, 2010, was approved.

## MOTION TO RECONSIDER WITHDRAWN

### **House File 2376**

Senator Hamerlinck withdrew the motion to reconsider **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, filed by him on February 18, 2010, found on page 501 of the Senate Journal.

The Senate stood at ease at 1:30 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:37 p.m., President Pro Tempore Danielson presiding.

## RECESS

On motion of Senator Courtney, the Senate recessed at 3:38 p.m. until 4:00 p.m.

## RECONVENED

The Senate reconvened at 4:04 p.m., President Pro Tempore Danielson presiding.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Joint Resolution 2007.

**Senate Joint Resolution 2007**

On motion of Senator Kibbie, **Senate Joint Resolution 2007**, a joint resolution supporting the preservation efforts for the Battleship Iowa, BB-61, was taken up for consideration.

President Kibbie 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 2007**, a joint resolution supporting the preservation efforts for the Battleship Iowa, BB-61.

WHEREAS, BB-61, the USS Iowa, is the namesake for the most powerful class of warships ever made; and

WHEREAS, navy members recruited from Iowa have received preference for assignment to service on board the USS Iowa through most of its service life; and

WHEREAS, the USS Iowa would remain a continuing marketing display for the talented and well-educated workforce in the State of Iowa throughout a period of museum duty; and

WHEREAS, there is now a proposal to assign the USS Iowa to museum duty in the San Francisco Bay area of California; and

WHEREAS, former Governors Robert D. Ray and Terry E. Branstad and former Governor and current United States Secretary of Agriculture Thomas J. Vilsack serve as honorary chairpersons of

efforts to preserve the USS Iowa as a national museum and memorial, truly a source of pride for all Iowans; and

WHEREAS, those efforts include restoration of the USS Iowa and future service as an educational museum and tourist attraction, and perhaps, with her many facilities still intact, service as an emergency response center; and

WHEREAS, the restoration and preservation of the USS Iowa will honor all veterans of the State of Iowa, inspire youth, and educate the public; NOW THEREFORE,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. STATE OF IOWA SUPPORT. The state of Iowa hereby supports the assignment of the USS Iowa as a museum to an appropriate location in the Bay area of California.

Sec. 2. COMMITTEE CREATED. A committee of ten is created, to be appointed by the governor and to serve at the pleasure of the governor, to support efforts for the preservation and relocation of the Battleship Iowa.

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 be used for the preservation and relocation of the Battleship Iowa.

Sec. 3. ADMINISTRATIVE SUPPORT. The department of cultural affairs shall provide all necessary administrative support for the committee and shall administer the BB-61 fund.

Sec. 4. BB-61 FUND. A BB-61 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. 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.

Senator Kibbie offered amendment S-5102, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5102 was adopted by a voice vote.

On the question "Shall the resolution be adopted?" (S.J.R. 2007), 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 BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2365.

#### **Senate File 2365**

On motion of Senator McCoy, **Senate File 2365**, a bill for an act providing for the treatment of animals other than agricultural

animals, by providing for regulation of commercial establishments, providing for reporting of threatened animals, providing for fees, providing penalties, and including effective date provisions, was taken up for consideration.

Senator McCoy offered amendment S-5100, filed by him from the floor to pages 1-17 and amending the title page of the bill, and moved its adoption.

Amendment S-5100 was adopted by a voice vote.

Senator McCoy asked and received unanimous consent that **House File 2280** be **substituted** for **Senate File 2365**.

### **House File 2280**

On motion of Senator McCoy, **House File 2280**, a bill for an act providing for the treatment of animals other than agricultural animals, by providing for regulation of commercial establishments, providing for reporting of threatened animals, providing for fees, providing penalties, and including effective date provisions, was taken up for consideration.

Senator McCoy 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. 2280), the vote was:

Yeas, 41:

Appel	Dvorsky	Jochum	Seng
Bartz	Feenstra	Kibbie	Seymour
Beall	Fraise	Kreiman	Sodders
Behn	Gronstal	McCoy	Stewart
Black	Hamerlinck	Noble	Ward
Bolkcom	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wilhelm
Dandekar	Heckroth	Ragan	Zaun
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	
Dotzler	Houser	Schoenjahn	

Nays, 9:

Boettger	Johnson	McKinley
Hahn	Kapucian	Reynolds
Hartsuch	Kettering	Wieck

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator McCoy asked and received unanimous consent that **Senate File 2365** be **withdrawn** from further consideration of the Senate.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2358, 2345, 2325, 2316, 2313, and 2298.

#### **Senate File 2358**

On motion of Senator Seng, **Senate File 2358**, a bill for an act providing for the taking of crops on land classified as a farm tenancy, was taken up for consideration.

Senator Seng asked and received unanimous consent that **House File 2380** be **substituted** for **Senate File 2358**.

#### **House File 2380**

On motion of Senator Seng, **House File 2380**, a bill for an act providing for the taking of crops on land classified as a farm tenancy, was taken up for consideration.

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?" (H.F. 2380), 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.

### WITHDRAWN

Senator Seng asked and received unanimous consent that **Senate File 2358** be **withdrawn** from further consideration of the Senate.

President Kibbie took the chair at 4:38 p.m.

### Senate File 2345

On motion of Senator Kreiman, **Senate File 2345**, a bill for an act relating to judicial branch administration, child custody and visitation matters, 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. 2345), 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 2325

On motion of Senator Heckroth, **Senate File 2325**, a bill for an act relating to the practice of mortuary science and to the preneed sale of cemetery and funeral merchandise and funeral services and providing a penalty, was taken up for consideration.

Senator Heckroth offered amendment S–5066, filed by him on February 16, 2010, to page 1 of the bill, and moved its adoption.

Amendment S–5066 was adopted by a voice vote.

Senator Heckroth moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2325), 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 2316

On motion of Senator Hogg, **Senate File 2316**, a bill for an act relating to flood plain management, with report of committee without recommendation, was taken up for consideration.

Senator Hogg asked and received unanimous consent that action on **Senate File 2316** be **deferred**.

### Senate File 2313

On motion of Senator Hancock, **Senate File 2313**, a bill for an act modifying provisions applicable to the formation and operation of electric power agencies, was taken up for consideration.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2313), 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 2298

On motion of Senator Kreiman, **Senate File 2298**, a bill for an act relating to the attendance of a child at juvenile court hearings or meetings during the pendency of a child in need of assistance case, was taken up for consideration.

Senator Kreiman offered amendment S-5091, filed by him on February 17, 2010, to page 1 of the bill, and moved its adoption.

Amendment S-5091 was adopted by a voice vote.

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. 2298), 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 2007, Senate Files 2298, 2313, 2325, and 2345, and House Files 2280 and 2380** 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 2295 and 2274.

#### **Senate File 2295**

On motion of Senator Beall, **Senate File 2295**, a bill for an act providing for the development of programs to attract qualified disabled veterans for job opportunities in state government, was taken up for consideration.

Senator Beall offered amendment S-5107, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5107 was adopted by a voice vote.

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. 2295), 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 2274

On motion of Senator Warnstadt, **Senate File 2274**, a bill for an act relating to certain national security and military education benefits and programs, was taken up for consideration.

Senator Warnstadt offered amendment S–5075, filed by him on February 17, 2010, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S–5075 was adopted by a voice vote.

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. 2274), 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.

#### 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 February 22, 2010, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 2407**, a bill for an act establishing certain definitions relating to instruments affecting real estate and specifying information to be contained in index records.

Read first time and attached to **companion Senate File 2269**.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2269, 2243, and 2246.

#### **Senate File 2269**

On motion of Senator Beall, **Senate File 2269**, a bill for an act establishing certain definitions relating to instruments affecting real estate and specifying information to be contained in index records, was taken up for consideration.

Senator Beall asked and received unanimous consent that **House File 2407** be **substituted** for **Senate File 2269**.

### House File 2407

On motion of Senator Beall, **House File 2407**, a bill for an act establishing certain definitions relating to instruments affecting real estate and specifying information to be contained in index records, 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?" (H.F. 2407), 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 Beall asked and received unanimous consent that **Senate File 2269** be **withdrawn** from further consideration of the Senate.

## Senate File 2243

On motion of Senator Black, **Senate File 2243**, a bill for an act regarding matters under the purview of the department of natural resources, and including effective date provisions, was taken up for consideration.

Senator Black offered amendment S-5111, filed by Senators Black and Johnson from the floor to page 3 of the bill.

Senator Dearden raised the point of order that amendment S-5111 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5111 out of order.

Senator Black 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. 2243), 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 2246

On motion of Senator Rielly, **Senate File 2246**, a bill for an act relating to the regulation of motor vehicles by the department of transportation, including clarification of the definition of business-trade truck and requirements for the issuance of temporary persons with disabilities parking permits, was taken up for consideration.

Senator Rielly offered amendment S-5104, filed by him from the floor to pages 1 and 2 and amending the title page of the bill, and moved its adoption.

Amendment S-5104 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. 2246), 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.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2243, 2246, 2274, and 2295** and **House File 2407** 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 2200 and 2189.

**Senate File 2200**

On motion of Senator Kreiman, **Senate File 2200**, a bill for an act relating to transfer of guardianship for a child in need of assistance to the probate court, was taken up for consideration.

Senator Kreiman offered amendment S-5103, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5103 was adopted by a voice vote.

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. 2200), 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 2189

On motion of Senator Hogg, **Senate File 2189**, a bill for an act relating to judgment liens on homesteads, was taken up for consideration.

Senator Hogg asked and received unanimous consent that **House File 2282** be **substituted** for **Senate File 2189**.

### House File 2282

On motion of Senator Hogg, **House File 2282**, a bill for an act relating to judgment liens on homesteads, 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. 2282), 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 2189** be **withdrawn** from further consideration of the Senate.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2200** and **House File 2282** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2326.

### **Senate File 2326**

On motion of Senator Stewart, **Senate File 2326**, a bill for an act modifying disciplinary provisions applicable to real estate brokers and salespersons, was taken up for consideration.

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. 2326), 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.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2326** and **House File 2376** 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 22, 2010, **passed** the following bills in which the concurrence of the House was asked:

**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.

**Senate File 2195**, a bill for an act relating to campaign finance requirements and reporting.

**Senate File 2202**, a bill for an act relating to rights of persons with disabilities.

**Senate File 2237**, a bill for an act relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

**Senate File 2299**, a bill for an act relating to grain transactions by regulating grain dealers and warehouse operators, providing for fees, and making penalties applicable.

**Senate File 2340**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and applicability provisions.

**Senate File 2300**, a bill for an act relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date provisions.

ALSO: That the House has on February 22, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 2409**, a bill for an act eliminating specified mortgage loan disclosure statement filing requirements applicable to financial institutions.

Read first time and **passed on file**.

**House File 2422**, a bill for an act relating to disaster recovery case management.

Read first time and attached to **companion Senate File 2268**.

**House File 2438**, a bill for an act relating to the criminal offense of enticing or attempting to entice a minor and providing penalties.

Read first time and **passed on file**.

**House File 2454**, a bill for an act providing for the development of programs to attract qualified disabled veterans for job opportunities in state government.

Read first time and **passed on file**.

**House File 2458**, a bill for an act relating to restrictions on mowing within the right-of-way of interstates, primary highways, and secondary roads.

Read first time and **passed on file**.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:53 p.m. until 8:45 a.m., Tuesday, February 23, 2010.

## APPENDIX

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

International students and Fulbright Scholars from Kirkwood Community College. Senators Beall, Hogg, and Horn.

Linn County students from Central City and Springville, accompanied by Jennifer Huseman. Senator Dandekar.

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Ken and Evelyn Feuerbach, Van Horne—For celebrating their 65<sup>th</sup> wedding anniversary. Senator Kapucian (2/22/10).

Cindy Fish—For her service to the Ankeny Chamber of Commerce. Senator Noble (2/22/10).

Duane Fisher—In appreciation of his 37 years of service with the Vinton-Shellsburg Community School District. Senator Kapucian (2/22/10).

## REPORTS OF COMMITTEE MEETINGS

## AGRICULTURE

**Convened:** Monday, February 22, 2010, 3:35 p.m.

**Members Present:** Fraise, Chair; Olive, Vice Chair; Johnson, Ranking Member; Appel, Behn, Black, Boettger, Courtney, Hahn, Hancock, Kapucian, Kibbie, Rielly, and Seng.

**Members Absent:** Soddors (excused).

**Committee Business:** Passed HF's 763 and 2273.

**Adjourned:** 3:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND  
REGULATION

**Convened:** Thursday, February 18, 2010, 10:50 a.m.

**Members Present:** Danielson, Chair; Jochum, Vice Chair; Bartz, Ranking Member; and Kreiman.

**Members Absent:** Behn (excused).

**Committee Business:** Presentations by the Auditor of State and the Department of Inspections and Appeals.

**Adjourned:** 11:30 a.m.

## INTRODUCTION OF BILL

**Senate File 2366**, by committee on Appropriations, a bill for an act making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date provisions.

Read first time under Rule 28 and **placed on Appropriations calendar.**

## STUDY BILL RECEIVED

**SSB 3235      Appropriations**

Relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions.



## SUBCOMMITTEE ASSIGNMENTS

### Senate File 2174

APPROPRIATIONS: Dvorsky, Chair; and Kettering

### Senate File 2259

APPROPRIATIONS: Dvorsky, Chair; and Kettering

### House File 2403

HUMAN RESOURCES: Wilhelm, Chair; Hartsuch and Schmitz

### House File 2405

COMMERCE: Heckroth, Chair; Behn and Warnstadt

### SSB 3235

APPROPRIATIONS: Dvorsky, Chair; Hatch and Kettering

## FINAL COMMITTEE REPORTS OF BILL ACTION

### AGRICULTURE

**Bill Title:** HOUSE FILE 763 (formerly HF 606), a bill for an act relating to administrative costs to support the watershed improvement review board.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Fraise, Olive, Johnson, Appel, Behn, Black, Boettger, Courtney, Hahn, Hancock, Kapucian, Kibbie, Rielly, and Seng. Nays, none. Absent, 1: Soddors.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### ALSO:

**Bill Title:** 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.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Fraise, Olive, Johnson, Appel, Behn, Black, Boettger, Courtney, Hahn, Hancock, Kapucian, Kibbie, Rielly, and Seng. Nays, none. Absent, 1: Soddors.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## APPROPRIATIONS

**Bill Title:** \*SENATE FILE 2366 (SSB 3197), a bill for an act making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Dvorsky, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, 1: McCoy.

**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 Appropriations Committee on Senate File 2366, and they were attached to the committee report.

## BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have 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 22<sup>nd</sup> day of February, 2010:

Senate Files 2076, 2117, 2146, and 2149.

MICHAEL E. MARSHALL  
Secretary of the Senate

## AMENDMENTS FILED

S-5098	S.F.	2234	Swati A. Dandekar
S-5099	S.F.	2336	Swati A. Dandekar Wally E. Horn
S-5100	S.F.	2365	Matt McCoy
S-5101	S.F.	2235	Steven J. Sodders
S-5102	S.J.R.	2007	John P. Kibbie
S-5103	S.F.	2200	Keith A. Kreiman
S-5104	S.F.	2246	Tom Rielly
S-5105	S.F.	2343	Keith A. Kreiman
S-5106	S.F.	2321	Brad Zaun Shawn Hamerlinck James F. Hahn Randy Feenstra

			James A. Seymour
			Jerry Behn
			Paul McKinley
S-5107	S.F.	2295	Daryl Beall
S-5108	S.F.	2192	Roger Stewart
			Kim Reynolds
			John P. Kibbie
S-5109	S.F.	2289	Brian Schoenjahn
S-5110	S.F.	2335	David Johnson
S-5111	S.F.	2243	Dennis H. Black
			David Johnson
S-5112	S.F.	2288	Paul McKinley
S-5113	S.F.	2288	Nancy J. Boettger
S-5114	S.J.R.	2002	Mary Jo Wilhelm
S-5115	S.F.	2288	David Johnson

#### WITHDRAWAL OF GOVERNOR'S APPOINTEE

The following letters from the Governor were received in the office of the Secretary of the Senate on February 19, 2010:

I am withdrawing the name of Carrie LaSeur to serve as an Environmental Protection Commission member from further consideration by the Senate.

Sincerely,  
 CHESTER J. CULVER  
 Governor

# JOURNAL OF THE SENATE

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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	Quirmbach	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	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 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	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 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	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 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	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.

## 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	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.

#### 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	Quirmbach	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	Quirmbach	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 92<sup>nd</sup> birthday. Senator Dotzler (2/23/10).

Chuck and Gladys Heasley—For celebrating their 50<sup>th</sup> 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 Sodders.

**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 Bolkcom

### **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, Quirmbach, 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, Quirmbach, 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, Quirmbach, 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, Quirmbach, 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

# JOURNAL OF THE SENATE

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FORTY-FIFTH CALENDAR DAY  
TWENTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 24, 2010

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by the Honorable Daryl Beall, member of the Senate from Webster County, Fort Dodge, Iowa.

The Journal of Tuesday, February 23, 2010, was approved.

## 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 2313**, a bill for an act modifying provisions applicable to the formation and operation of electric power agencies.

**Senate File 2350**, a bill for an act relating to prohibited contracts and activities for civil service commissioners.

ALSO: That the House has on February 23, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 2306**, a bill for an act relating to judicial branch records.

Read first time and referred to committee on **Judiciary**.

**House File 2307**, a bill for an act providing for restitution for Medicaid expenditures.

Read first time and referred to committee on **Judiciary**.

The Senate stood at ease at 8:53 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:04 a.m., President Kibbie presiding.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 10:05 a.m. until 2:30 p.m.

## APPENDIX—1

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Jim and Millie Bell—For celebrating their 65<sup>th</sup> wedding anniversary. Senator Courtney (2/24/10).

Walter and Marian Brunken—For celebrating their 65<sup>th</sup> wedding anniversary. Senator Courtney (2/24/10).

Berniece Gerdes, Danville—For celebrating her 90<sup>th</sup> birthday. Senator Courtney (2/24/10).

Michael and Cynthia Dick—For celebrating their 25<sup>th</sup> wedding anniversary. Senator Courtney (2/24/10).

Loren May, Burlington—For celebrating his 80<sup>th</sup> birthday. Senator Courtney (2/24/10).

William and Ardyth Newman—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Courtney (2/24/10).

## REPORTS OF COMMITTEE MEETINGS

## JUDICIARY

**Convened:** Tuesday, February 23, 2010, 1:10 p.m.

**Members Present:** Kreiman, Chair; Hogg, Vice Chair; Kettering, Ranking Member; Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Soddors, Ward, Warnstadt, and Zaun.

**Members Absent:** None.

**Committee Business:** Passed HF's 426, 726, 2233, 2286, 2287, 2288, 2372, 2374, 2377, and 2392.

**Adjourned:** 1:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND  
REGULATION

**Convened:** Tuesday, February 23, 2010, 10:10 a.m.

**Members Present:** Danielson, Chair; Jochum, Vice Chair; Bartz, Ranking Member; Behn and Kreiman.

**Members Absent:** None.

**Committee Business:** Caucus.

**Adjourned:** 10:15 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND  
NATURAL RESOURCES

**Convened:** Wednesday, February 24, 2010, 10:25 a.m.

**Members Present:** Seng, Chair; Black, Vice Chair; Hahn, Ranking Member; Houser and Wilhelm.

**Members Absent:** None.

**Committee Business:** Discussion of budget.

**Adjourned:** 10:50 a.m.

## APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** Wednesday, February 24, 2010, 10:25 a.m.

**Members Present:** Schoenjahn, Chair; Quirmbach, Vice Chair; Boettger, Ranking Member; Feenstra and Horn.

**Members Absent:** None.

**Committee Business:** Discussion of FY 2011 budget.

**Adjourned:** 11:00 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,  
INFRASTRUCTURE, AND CAPITALS**

**Convened:** Wednesday, February 24, 2010, 10:20 a.m.

**Members Present:** McCoy, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Beall and Hamerlinck.

**Members Absent:** None.

**Committee Business:** Discussed transportation appropriations bill.

**Adjourned:** 10:30 a.m.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 2144**

HUMAN RESOURCES: Wilhelm, Chair; Bartz and Schmitz

**House File 2310**

NATURAL RESOURCES: Fraise, Chair; Hahn and Ragan

**House File 2318**

LOCAL GOVERNMENT: Beall, Chair; Olive and Reynolds

**House File 2438**

JUDICIARY: Kreiman, Chair; Hogg and Ward

**House File 2453**

JUDICIARY: Jochum, Chair; Boettger and Soddors

**House File 2458**

NATURAL RESOURCES: Schoenjahn, Chair; Noble and Ragan

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on February 23, 2010, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2076 – Relating to economic development including changes to the administration of certain economic development programs and to the terms served by members of the economic development board and including effective date provisions.

Senate File 2117 – To allow therapeutically certified optometrists to supply pharmaceutical-delivering contact lenses.

Senate File 2146 – Relating to claims for warranty parts, repairs, or service performed by motor vehicle dealers.

Senate File 2149 – 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.

## AFTERNOON SESSION

The Senate reconvened at 2:46 p.m., President Kibbie presiding.

The Senate stood at ease at 2:47 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:58 p.m., President Kibbie presiding.

## CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2354, 2351, and 2346.

### **Senate File 2354**

On motion of Senator Danielson, **Senate File 2354**, a bill for an act relating to campaign finance, including political campaign activities and independent expenditures by corporations, and making penalties applicable, was taken up for consideration.

Senator McKinley asked and received unanimous consent that action on **Senate File 2354** be **deferred**.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Kapucian, until he arrives, on request of Senator Kettering; and Senator McCoy, until he arrives, on request of Senator Courtney.

### Senate File 2351

On motion of Senator Kreiman, **Senate File 2351**, a bill for an act enhancing the penalty for certain domestic abuse assault cases and providing a penalty, 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. 2351), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Rielly
Bartz	Feenstra	Jochum	Schmitz
Beall	Fraise	Johnson	Schoenjahn
Behn	Gronstal	Kettering	Seng
Black	Hahn	Kibbie	Seymour
Boettger	Hamerlinck	Kreiman	Sodders
Bolkcom	Hancock	McKinley	Stewart
Courtney	Hartsuch	Noble	Ward
Dandekar	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirmbach	Wieck
Dearden	Hogg	Ragan	Wilhelm
Dotzler	Horn	Reynolds	Zaun

Nays, none.

Absent, 2:

Kapucian	McCoy
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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 2346

On motion of Senator Olive, **Senate File 2346**, a bill for an act relating to certain coverage provisions contained in uninsured and underinsured motor vehicle insurance coverage, was taken up for consideration.

Senator Olive offered amendment S-5128, filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5128 was adopted by a voice vote.

Senator Olive 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. 2346), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Rielly
Bartz	Feenstra	Jochum	Schmitz
Beall	Fraise	Johnson	Schoenjahn
Behn	Gronstal	Kettering	Seng
Black	Hahn	Kibbie	Seymour
Boettger	Hamerlinck	Kreiman	Sodders
Bolkcom	Hancock	McKinley	Stewart
Courtney	Hartsuch	Noble	Ward
Dandekar	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wieck
Dearden	Hogg	Ragan	Wilhelm
Dotzler	Horn	Reynolds	Zaun

Nays, none.

Absent, 2:

Kapucian                      McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.



UNFINISHED BUSINESS  
(Deferred February 23, 2010)

**Senate File 2343**

The Senate resumed consideration of **Senate File 2343**, a bill for an act relating to the appointment of judicial officers and senior judges, deferred February 23, 2010.

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. 2343), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Rielly
Bartz	Feenstra	Jochum	Schmitz
Beall	Fraise	Johnson	Schoenjahn
Behn	Gronstal	Kettering	Seng
Black	Hahn	Kibbie	Seymour
Boettger	Hamerlinck	Kreiman	Sodders
Bolkcom	Hancock	McKinley	Stewart
Courtney	Hartsuch	Noble	Ward
Dandekar	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wieck
Dearden	Hogg	Ragan	Wilhelm
Dotzler	Horn	Reynolds	Zaun

Nays, none.

Absent, 2:

Kapucian                      McCoy

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 2343, 2346, and 2351** 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 2323, 2321, and 2305.

**Senate File 2323**

On motion of Senator Dearden, **Senate File 2323**, a bill for an act concerning requirements for granting a new license to conduct gambling games on a gambling boat or structure in a county with an existing gambling boat or structure, 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. 2323), the vote was:

Yeas, 37:

Appel	Gronstal	Johnson	Seng
Beall	Hamerlinck	Kibbie	Sodders
Black	Hancock	Kreiman	Stewart
Bolkcom	Hartsuch	Noble	Ward
Courtney	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirnbach	Wieck
Dearden	Hogg	Ragan	Wilhelm
Dotzler	Horn	Rielly	
Dvorsky	Houser	Schmitz	
Fraise	Jochum	Schoenjahn	

Nays, 11:

Bartz	Dandekar	Kettering	Seymour
Behn	Feenstra	McKinley	Zaun
Boettger	Hahn	Reynolds	

Absent, 2:

Kapucian	McCoy
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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 2321

On motion of Senator Danielson, **Senate File 2321**, a bill for an act prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties, was taken up for consideration.

Senator Zaun offered amendment S-5106, filed by Senator Zaun, et al., on February 22, 2010, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5106 be adopted?" (S.F. 2321), the vote was:

Yeas, 17:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Hartsuch	Noble	Zaun
Boettger	Houser	Reynolds	
Feenstra	Johnson	Seymour	
Hahn	Kettering	Ward	

Nays, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	Kreiman	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirnbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Absent, 2:

Kapucian	McCoy
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Amendment S-5106 lost.

Senator Zaun offered amendment S-5131, 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.

A record roll call was requested.

On the question "Shall amendment S-5131 be adopted?" (S.F. 2321), the vote was:

Yeas, 20:

Bartz	Hahn	Kettering	Seymour
Behn	Hamerlinck	Kreiman	Sodders
Black	Hartsuch	McKinley	Ward
Boettger	Houser	Noble	Wieck
Feenstra	Johnson	Reynolds	Zaun

Nays, 28:

Appel	Dotzler	Hogg	Rielly
Beall	Dvorsky	Horn	Schmitz
Bolkcom	Fraise	Jochum	Schoenjahn
Courtney	Gronstal	Kibbie	Seng
Dandekar	Hancock	Olive	Stewart
Danielson	Hatch	Quirmbach	Warnstadt
Dearden	Heckroth	Ragan	Wilhelm

Absent, 2:

Kapucian	McCoy
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Amendment S-5131 lost.

Senator Zaun offered amendment S-5132, 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.

A record roll call was requested.

On the question "Shall amendment S-5132 be adopted?" (S.F. 2321), the vote was:

Yeas, 16:

Behn	Hamerlinck	Kettering	Sodders
Boettger	Hartsuch	McKinley	Ward
Feenstra	Houser	Reynolds	Wieck
Hahn	Johnson	Seymour	Zaun

Nays, 32:

Appel	Dearden	Hogg	Ragan
Bartz	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	Noble	Stewart
Dandekar	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirmbach	Wilhelm

Absent, 2:

Kapucian	McCoy
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Amendment S-5132 lost.

Senator Danielson offered amendment S-5129, filed by him from the floor to pages 1 and 2, and amending the title page of the bill, and moved its adoption.

Amendment S-5129 was adopted by a voice vote.

Senator Appel asked and received unanimous consent to withdraw amendment S-5086, filed by Senators Appel and Heckroth on February 17, 2010, to page 1 and amending the title page of the bill.

Senator Danielson asked and received unanimous consent that **House File 2456** be **substituted** for **Senate File 2321**.

### **House File 2456**

On motion of Senator Danielson, **House File 2456**, a bill for an act prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties, was taken up for consideration.

Senator Appel offered amendment S-5133, filed by Senators Appel and Heckroth from the floor to page 1 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5133 be adopted?" (H.F. 2456), the vote was:

Yeas, 37:

Appel	Dvorsky	Johnson	Seng
Bartz	Feenstra	Kapucian	Seymour
Beall	Fraise	Kettering	Sodders
Behn	Hahn	Kibbie	Stewart
Black	Hartsuch	Kreiman	Ward
Boettger	Hatch	McKinley	Wieck
Bolkcom	Heckroth	Noble	Wilhelm
Courtney	Hogg	Quirnbach	
Dandekar	Houser	Ragan	
Dearden	Jochum	Schmitz	

Nays, 12:

Danielson	Hamerlinck	Olive	Schoenjahn
Dotzler	Hancock	Reynolds	Warnstadt
Gronstal	Horn	Rielly	Zaun

Absent, 1:

McCoy

Amendment S-5133 was adopted.

Senator Jochum withdrew amendment S-5140, filed by her from the floor to pages 1 and 2 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?" (H.F. 2456), the vote was:

Yeas, 44:

Appel	Feenstra	Jochum	Rielly
Beall	Fraise	Johnson	Schmitz
Black	Gronstal	Kapucian	Schoenjahn
Boettger	Hahn	Kettering	Seng
Bolkcom	Hamerlinck	Kibbie	Seymour
Courtney	Hancock	Kreiman	Sodders
Dandekar	Hatch	McCoy	Stewart
Danielson	Heckroth	Noble	Ward

Dearden	Hogg	Olive	Warnstadt
Dotzler	Horn	Quirmbach	Wieck
Dvorsky	Houser	Ragan	Wilhelm

Nays, 6:

Bartz	Hartsuch	Reynolds
Behn	McKinley	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 2305

On motion of Senator Kreiman, **Senate File 2305**, a bill for an act modifying sex offender registry provisions, and providing penalties and including effective date provisions, was taken up for consideration.

Senator Kreiman offered amendment S-5134, filed by him from the floor to pages 1-3 of the bill, and moved its adoption.

Amendment S-5134 was adopted by a voice vote.

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. 2305), 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.

### WITHDRAWN

Senator Danielson asked and received unanimous consent that **Senate File 2321** be **withdrawn** from further consideration of the Senate.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2305** and **2323** and **House File 2456** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2234.

#### **Senate File 2234**

On motion of Senator Dandekar, **Senate File 2234**, a bill for an act relating to the regulation of motor vehicle franchises, was taken up for consideration.

Senator Dandekar withdrew amendment S-5098, filed by her on February 22, 2010, to page 1 of the bill.

Senator Dandekar withdrew amendment S-5121, filed by her on February 23, 2010, to pages 1 and 2 of the bill.

Senator Dandekar offered amendment S-5130, filed by her from the floor to pages 1 and 2 of the bill, and moved its adoption.



Amendment S-5130 was adopted by a voice vote.

Senator Dandekar 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. 2234), 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.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2234** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:10 p.m. until 9:00 a.m., Thursday, February 25, 2010.

**APPENDIX—2****CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Waverly-Shell Rock High School Wrestling Team—For winning their third consecutive Iowa Class 3-A Team State Championship. Senator Heckroth (2/24/10).

Denver-Tripoli High School Wrestling Team—For winning the Iowa Class 2-A Team State Championship. Senator Heckroth (2/24/10).

Eric DeVos, Waverly-Shell Rock High School—For winning the Class 3-A, 119 pound, Iowa State Wrestling Tournament Championship. Senator Heckroth (2/24/10).

Jake Ballweg, Waverly-Shell Rock High School—For winning the Class 3-A, 140 pound, Iowa State Wrestling Tournament Championship and his third State Championship of his high school wrestling career. Senator Heckroth (2/24/10).

Cody Caldwell, Waverly-Shell Rock High School—For winning the Class 3-A, 145 pound, Iowa State Wrestling Tournament Championship and his second State Championship of his high school wrestling career. Senator Heckroth (2/24/10).

Cody Krumwiede, Waverly-Shell Rock High School—For winning the Class 3-A, 215 pound, Iowa State Wrestling Tournament Championship and his second State Championship of his high school wrestling career. Senator Heckroth (2/24/10).

Dylan Peters, Denver-Tripoli High School—For winning the Class 2-A, 103 pound, Iowa State Wrestling Tournament Championship by pinning all four of his opponents. Senator Heckroth (2/24/10).

Levi Wolfensperger, Denver-Tripoli High School—For winning the Class 2-A, 125 pound, Iowa State Wrestling Tournament Championship and his second State Championship of his high school wrestling career. Senator Heckroth (2/24/10).

Gunnar Wolfensperger, Denver-Tripoli High School—For winning the Class 2-A, 112 pound, Iowa State Wrestling Tournament Championship. Senator Heckroth (2/24/10).

Brandon Sorensen, Denver-Tripoli High School—For winning the Class 2-A, 119 pound, Iowa State Wrestling Tournament Championship. Senator Heckroth (2/24/10).

Caleb Wilken, Nashua-Plainfield High School—For winning the Class 1-A, heavyweight, Iowa State Wrestling Tournament Championship. Senator Heckroth (2/24/10).

Jordan Rinken, Waverly-Shell Rock High School—For finishing second in the Class 3-A, 130 pound, Iowa State Wrestling Tournament Championship. Senator Heckroth (2/24/10).

Jordan Simon, Aplington-Parkersburg High School—For finishing second in the Class 1-A, 215 pound, Iowa State Wrestling Tournament Championship. Senator Heckroth (2/24/10).

## REPORTS OF COMMITTEE MEETINGS

### HUMAN RESOURCES

**Convened:** Wednesday, February 24, 2010, 1:20 p.m.

**Members Present:** Ragan, Chair; Schmitz, Vice Chair; Hartsuch, Ranking Member; Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm.

**Members Absent:** None.

**Committee Business:** Passed HF's 2283, 2284, and 2403.

**Adjourned:** 1:30 p.m.

### LOCAL GOVERNMENT

**Convened:** Wednesday, February 24, 2010, 1:40 p.m.

**Members Present:** Quirmbach, Chair; Beall, Vice Chair; Reynolds, Ranking Member; Hamerlinck, Houser, Olive, Rielly, and Schoenjahn.

**Members Absent:** Kapucian, Kreiman, and McCoy (all excused).

**Committee Business:** Passed HF 2318.

**Adjourned:** 1:45 p.m.

### VETERANS AFFAIRS

**Convened:** Wednesday, February 24, 2010, 2:15 p.m.

**Members Present:** Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, and Soddors.

**Members Absent:** Wieck (excused).

**Committee Business:** Passed HF's 2110, 2197, and 2454.

**Adjourned:** 2:30 p.m.

### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** Wednesday, February 24, 2010, 10:20 a.m.

**Members Present:** Dotzler, Chair; Heckroth, Vice Chair; Kapucian, Ranking Member; Dandekar and Reynolds.

**Members Absent:** None.

**Committee Business:** Discussed proposed budget for economic development appropriations

**Adjourned:** 11:05 a.m.

## FINAL COMMITTEE REPORTS OF BILL ACTION

### HUMAN RESOURCES

**Bill Title:** HOUSE FILE 2283 (formerly HF 2056), a bill for an act relating to the requirements for national criminal history record checks for child care providers.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### ALSO:

**Bill Title:** HOUSE FILE 2284 (HSB 571), 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.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5143.

**Final Vote:** Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirnbach, Seymour, and Wilhelm. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on House File 2284, and they were attached to the committee report.

### ALSO:

**Bill Title:** HOUSE FILE 2403 (HSB 626), a bill for an act making changes to the uniform controlled substances Act.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Ragan, Schmitz, Hartsuch, Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### LOCAL GOVERNMENT

**Bill Title:** HOUSE FILE 2318 (formerly HF 2041), 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.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 7: Quirmbach, Beall, Reynolds, Hamerlinck, Olive, Rielly, and Schoenjahn. Nays, 1: Houser. Absent, 3: Kapucian, Kreiman, and McCoy.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### VETERANS AFFAIRS

**Bill Title:** HOUSE FILE 2110 (HSB 538), a bill for an act relating to unemployment insurance benefits for spouses who leave employment to accompany a spouse on a military assignment.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 8: Beall, Warnstadt, Black, Danielson, Hartsuch, Kibbie, Ragan, and Soddors. Nays, 2: Seymour and Noble. Absent, 1: Wieck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### ALSO:

**Bill Title:** HOUSE FILE 2197 (HSB 583), a bill for an act providing veterans a holiday for veterans day and making penalties applicable.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 6: Beall, Warnstadt, Black, Danielson, Ragan, and Soddors. Nays, 3: Seymour, Hartsuch, and Noble. Absent, 2: Kibbie and Wieck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### ALSO:

**Bill Title:** HOUSE FILE 2454 (formerly HF 2202), a bill for an act providing for the development of programs to attract qualified disabled veterans for job opportunities in state government.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Noble, Ragan, and Soddors. Nays, none. Absent, 2: Kibbie and Wieck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 18, 2010, when the vote was taken on Senate Files 2150, 2270, 2272, 2273, 2279, 2291, 2297, 2299, 2300, 2303, 2304, and 2340. Had I been present, I would have voted "Aye."

JOHN P. KIBBIE

### BILLS ASSIGNED TO COMMITTEE

President Kibbie announced the assignment of the following bills to committees:

H.F.	2144	Human Resources
H.F.	2318	Local Government
H.F.	2321	Veterans Affairs
H.F.	2414	Veterans Affairs
H.F.	2418	Environment and Energy Independence
H.F.	2432	Education
H.F.	2437	Environment and Energy Independence
H.F.	2440	Education
H.F.	2453	Judiciary

### AMENDMENTS FILED

S-5128	S.F.	2346	Rich Olive
S-5129	S.F.	2321	Jeff Danielson
S-5130	S.F.	2234	Swati A. Dandekar
S-5131	S.F.	2321	Brad Zaun
S-5132	S.F.	2321	Brad Zaun
S-5133	H.F.	2456	Staci Appel Bill Heckroth
S-5134	S.F.	2305	Keith A. Kreiman
S-5135	S.F.	2354	Jeff Danielson
S-5136	S.F.	2366	Robert E. Dvorsky
S-5137	S.F.	2316	Robert M. Hogg
S-5138	S.F.	2354	Jeff Danielson

S-5139	H.F.	758	David Hartsuch
S-5140	H.F.	2456	Pam Jochem
S-5141	S.F.	2357	David Hartsuch James A. Seymour Jerry Behn Paul McKinley Brad Zaun Nancy J. Boettger Kim Reynolds David Johnson Larry Noble Pat Ward Merlin Bartz James F. Hahn
S-5142	S.F.	2357	David Hartsuch James A. Seymour Jerry Behn Paul McKinley Brad Zaun Nancy J. Boettger Kim Reynolds David Johnson Steve Kettering James F. Hahn
S-5143	H.F.	2284	Human Resources
S-5144	S.F.	2357	David Hartsuch
S-5145	H.F.	2197	Steven J. Sadders

# JOURNAL OF THE SENATE

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FORTY-SIXTH CALENDAR DAY  
TWENTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, February 25, 2010

The Senate met in regular session at 9:00 a.m., President Kibbie presiding.

Prayer was offered by Pastor Ron Burcham of the Gloria Dei Lutheran Church in Urbandale, Iowa. He was the guest of Senator Zaun.

The Journal of Wednesday, February 24, 2010, was approved.

## SPECIAL GUESTS

Senator Beall introduced to the Senate chamber the Chinese Consul General, Ping Huang, accompanied by his wife, Aiping Zhang.

Consul General Huang addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

## 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 24, 2010, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 2151**, a bill for an act relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates.



**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.

**Senate File 2291**, a bill for an act relating to special education rights and duties and to the related duties and operations of the department of education and local school boards.

ALSO: That the House has on February 24, 2010, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 2199**, a bill for an act relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, amending statutory references to certain types of home dealers, establishing titling procedures for certain manufactured and mobile homes, making penalties applicable, and including effective date provisions. (S-5147)

ALSO: That the House has on February 24, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 2229**, a bill for an act prohibiting the imposition by a dental plan of fee schedules for the provision of dental services that are not covered by the plan.

Read first time and referred to committee on **Commerce**.

**House File 2402**, a bill for an act relating to the development of a plan for a stroke triage system and registry.

Read first time and attached to **similar Senate File 2334**.

**House File 2466**, a bill for an act relating to the license or authorization issued to a person who qualifies as a driver education instructor and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **Transportation**.

**House File 2478**, a bill for an act relating to business organizations, including limited liability companies and business corporations, and providing for fees.

Read first time and referred to committee on **Judiciary**.

**House File 2488**, a bill for an act relating to the appointment of young adults to appointive boards, commissions, committees, and councils.

Read first time and referred to committee on **State Government**.

**House File 2496**, a bill for an act relating to recycling initiatives.

Read first time and referred to committee on **Environment and Energy Independence**.

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 9:30 a.m. until 3:00 p.m.

#### AFTERNOON SESSION

The Senate reconvened at 3:13 p.m., President Kibbie presiding.

The Senate stood at ease at 3:14 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:09 p.m., President Kibbie presiding.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Houser, until he arrives, on request of Senator Kettering; and Senators Dandekar and Fraise, until they arrive, on request of Senator Gronstal.

#### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2366.

## Senate File 2366

On motion of Senator Dvorsky, **Senate File 2366**, a bill for an act making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date provisions, was taken up for consideration.

Senator Dvorsky offered amendment S-5136, filed by him on February 24, 2010, to pages 2, 6, 10, and 13 and amending the title page of the bill, and moved its adoption.

Amendment S-5136 was adopted by a voice vote.

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. 2366), the vote was:

Yeas, 30:

Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Gronstal	Kreiman	Seng
Black	Hancock	McCoy	Sodders
Bolkcom	Hatch	Olive	Stewart
Courtney	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	
Dotzler	Jochum	Schmitz	

Nays, 17:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Hartsuch	Noble	Zaun
Boettger	Johnson	Reynolds	
Feenstra	Kapucian	Seymour	
Hahn	Kettering	Ward	

Absent, 3:

Dandekar	Fraise	Houser
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

UNFINISHED BUSINESS  
(Deferred February 23, 2010)

**Senate File 2357**

The Senate resumed consideration of **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, and amendment S-5126, deferred February 23, 2010.

Senator Hartsuch offered amendment S-5144, filed by him on February 24, 2010, to page 1 of amendment S-5126, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5144 to amendment S-5126 be adopted?" (S.F. 2357), the vote was:

Yeas, 15:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Wieck
Boettger	Hartsuch	McKinley	Zaun
Feenstra	Johnson	Noble	

Nays, 32:

Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Gronstal	Kreiman	Seng
Black	Hancock	McCoy	Seymour
Bolkcom	Hatch	Olive	Sodders
Courtney	Heckroth	Quirnbach	Stewart
Danielson	Hogg	Ragan	Ward
Dearden	Horn	Rielly	Warnstadt
Dotzler	Jochum	Schmitz	Wilhelm

Absent, 3:

Dandekar	Fraise	Houser
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Amendment S-5144 lost.

Senator Hartsuch offered amendment S-5142, filed by Senator Hartsuch, et al., on February 24, 2010, to page 1 of amendment S-5126, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5142 to amendment S-5126 be adopted?" (S.F. 2357), the vote was:

Yeas, 10:

Bartz	Hahn	Kettering	Zaun
Behn	Hartsuch	McKinley	
Boettger	Johnson	Seymour	

Nays, 37:

Appel	Gronstal	Kreiman	Seng
Beall	Hamerlinck	McCoy	Sodders
Black	Hancock	Noble	Stewart
Bolkcom	Hatch	Olive	Ward
Courtney	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wieck
Dearden	Horn	Reynolds	Wilhelm
Dotzler	Jochum	Rielly	
Dvorsky	Kapucian	Schmitz	
Feenstra	Kibbie	Schoenjahn	

Absent, 3:

Dandekar	Fraise	Houser
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Amendment S-5142 lost.

Senator Hartsuch offered amendment S-5141, filed by Senator Hartsuch, et al., on February 24, 2010, to page 2 of amendment S-5126, and moved its adoption.

Amendment S-5141 was adopted by a voice vote.

Senator Hartsuch offered amendment S-5156, filed by him from the floor to page 1 of amendment S-5126.

Senator Hartsuch called for the following division of amendment S-5156:

Division S-5156A: Page 1, lines 3-6; and

Division S-5156B: Page 1, lines 7-12.

Senator Hartsuch moved the adoption of division S-5156A.

A record roll call was requested.

On the question "Shall division S-5156A be adopted?" (S.F. 2357), the vote was:

Yeas, 5:

Bartz	Feenstra	Hartsuch
Behn	Hahn	

Nays, 42:

Appel	Hamerlinck	Kreiman	Seng
Beall	Hancock	McCoy	Seymour
Black	Hatch	McKinley	Sodders
Boettger	Heckroth	Noble	Stewart
Bolkcom	Hogg	Olive	Ward
Courtney	Horn	Quirnbach	Warnstadt
Danielson	Jochum	Ragan	Wieck
Dearden	Johnson	Reynolds	Wilhelm
Dotzler	Kapucian	Rielly	Zaun
Dvorsky	Kettering	Schmitz	
Gronstal	Kibbie	Schoenjahn	

Absent, 3:

Dandekar	Fraise	Houser
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Division S-5156A lost.

Senator Hartsuch moved the adoption of division S-5156B.

A record roll call was requested.

On the question “Shall division S–5156B be adopted?” (S.F. 2357) the vote was:

Yeas, 1:

Hartsuch

Nays, 46:

Appel	Feenstra	Kettering	Schoenjahn
Bartz	Gronstal	Kibbie	Seng
Beall	Hahn	Kreiman	Seymour
Behn	Hamerlinck	McCoy	Sodders
Black	Hancock	McKinley	Stewart
Boettger	Hatch	Noble	Ward
Bolkcom	Heckroth	Olive	Warnstadt
Courtney	Hogg	Quirnbach	Wieck
Danielson	Horn	Ragan	Wilhelm
Dearden	Jochum	Reynolds	Zaun
Dotzler	Johnson	Rielly	
Dvorsky	Kapucian	Schmitz	

Absent, 3:

Dandekar	Fraise	Houser
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Division S–5156B lost.

Senator Kreiman moved the adoption of amendment S–5126, as amended.

Amendment S–5126, as amended, was adopted by a voice vote.

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. 2357), the vote was:

Yeas, 36:

Appel	Hamerlinck	Kettering	Rielly
Beall	Hancock	Kibbie	Schmitz
Black	Hatch	Kreiman	Schoenjahn
Bolkcom	Heckroth	McCoy	Seng
Courtney	Hogg	Noble	Sodders
Danielson	Horn	Olive	Stewart
Dotzler	Jochum	Quirnbach	Ward
Dvorsky	Johnson	Ragan	Warnstadt
Gronstal	Kapucian	Reynolds	Wilhelm

Nays, 11:

Bartz	Dearden	Hartsuch	Wieck
Behn	Feenstra	McKinley	Zaun
Boettger	Hahn	Seymour	

Absent, 3:

Dandekar	Fraise	Houser
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2357** and **2366** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2356.

#### **Senate File 2356**

On motion of Senator Hatch, **Senate File 2356**, a bill for an act relating to health reform in Iowa by creating an IowaCare plus program and an Iowa insurance information exchange, was taken up for consideration.

Senator Kettering asked and received unanimous consent that action on **Senate File 2356** be **deferred**.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2334 and 2324.



## Senate File 2334

On motion of Senator Ragan, **Senate File 2334**, a bill for an act relating to the development of a plan for a stroke triage system and registry, was taken up for consideration.

Senator Ragan offered amendment S-5146, filed by her from the floor, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-5146 was adopted by a voice vote.

Senator Ragan asked and received unanimous consent that **House File 2402** be **substituted** for **Senate File 2334**.

## House File 2402

On motion of Senator Ragan, **House File 2402**, a bill for an act relating to the development of a plan for a stroke triage system and registry, was taken up for consideration.

Senator Ragan 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. 2402), the vote was:

Yeas, 47:

Appel	Feenstra	Kapucian	Schmitz
Bartz	Gronstal	Kettering	Schoenjahn
Beall	Hahn	Kibbie	Seng
Behn	Hamerlinck	Kreiman	Seymour
Black	Hancock	McCoy	Sodders
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Hatch	Noble	Ward
Courtney	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirnbach	Wieck
Dearden	Horn	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun
Dvorsky	Johnson	Rielly	

Nays, none.

Absent, 3:

Dandekar                      Fraise                      Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 2324

On motion of Senator Warnstadt, **Senate File 2324**, a bill for an act modifying provisions relating to franchises for the provision of cable service or video service, and including effective date provisions, was taken up for consideration.

Senator Warnstadt offered amendment S-5149, filed by him from the floor to pages 1-4 of the bill, and moved its adoption.

Amendment S-5149 was adopted by a voice vote.

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. 2324), the vote was:

Yeas, 47:

Appel	Feenstra	Kapucian	Schmitz
Bartz	Gronstal	Kettering	Schoenjahn
Beall	Hahn	Kibbie	Seng
Behn	Hamerlinck	Kreiman	Seymour
Black	Hancock	McCoy	Sodders
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Hatch	Noble	Ward
Courtney	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirnbach	Wieck
Dearden	Horn	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun
Dvorsky	Johnson	Rielly	

Nays, none.

Absent, 3:

Dandekar                      Fraise                      Houser

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### WITHDRAWN

Senator Ragan asked and received unanimous consent that **Senate File 2334** be **withdrawn** from further consideration of the Senate.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2324** and **House File 2402** 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 2306 and 2302.

#### **Senate File 2306**

On motion of Senator Kreiman, **Senate File 2306**, a bill for an act relating to grandparent and great-grandparent visitation, was taken up for consideration.

Senator Kreiman withdrew amendment S-5150, filed by him from the floor, striking and replacing everything after the enacting clause of the bill.

Senator Kreiman offered amendment S-5153, filed by him from the floor, striking and replacing everything after the enacting clause of the bill and moved its adoption.

Amendment S-5153 was adopted by a voice vote.

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. 2306), the vote was:

Yeas, 47:

Appel	Feenstra	Kapucian	Schmitz
Bartz	Gronstal	Kettering	Schoenjahn
Beall	Hahn	Kibbie	Seng
Behn	Hamerlinck	Kreiman	Seymour
Black	Hancock	McCoy	Sodders
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Hatch	Noble	Ward
Courtney	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirnbach	Wieck
Dearden	Horn	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun
Dvorsky	Johnson	Rielly	

Nays, none.

Absent, 3:

Dandekar	Fraise	Houser
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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 2302

On motion of Senator Kreiman, **Senate File 2302**, a bill for an act relating to grandparents' rights to receive notice regarding child in need of assistance and related reviews and proceedings, was taken up for consideration.

Senator Kreiman offered amendment S-5148, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5148 was adopted by a voice vote.

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. 2302), the vote was:

Yeas, 47:

Appel	Feenstra	Kapucian	Schmitz
Bartz	Gronstal	Kettering	Schoenjahn
Beall	Hahn	Kibbie	Seng
Behn	Hamerlinck	Kreiman	Seymour
Black	Hancock	McCoy	Sodders
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Hatch	Noble	Ward
Courtney	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirnbach	Wieck
Dearden	Horn	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun
Dvorsky	Johnson	Rielly	

Nays, none.

Absent, 3:

Dandekar	Fraise	Houser
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2302** and **2306** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2217.

### Senate File 2217

On motion of Senator Black, **Senate File 2217**, a bill for an act concerning the purchasing of raffle tickets, was taken up for consideration.

Senator Black 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. 2217), the vote was:

Yeas, 31:

Appel	Dvorsky	Jochum	Rielly
Bartz	Gronstal	Kapucian	Schoenjahn
Beall	Hahn	Kibbie	Seng
Black	Hancock	Kreiman	Sodders
Courtney	Hatch	McCoy	Stewart
Danielson	Heckroth	Olive	Warnstadt
Dearden	Hogg	Quirmbach	Wilhelm
Dotzler	Horn	Ragan	

Nays, 16:

Behn	Hamerlinck	McKinley	Seymour
Boettger	Hartsuch	Noble	Ward
Bolkcom	Johnson	Reynolds	Wieck
Feenstra	Kettering	Schmitz	Zaun

Absent, 3:

Dandekar	Fraise	Houser
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Zaun, until he returns, on request of Senator McKinley.

### UNFINISHED BUSINESS (Deferred February 22, 2010)

#### Senate File 2316

The Senate resumed consideration of **Senate File 2316**, a bill for an act relating to flood plain management, deferred February 22, 2010.

Senator Hogg withdrew amendment S-5096, filed by him on February 18, 2010, to pages 1-4 and 7-8 of the bill.

Senator Hogg offered amendment S-5122, filed by him on February 23, 2010, to pages 1-3, 5, 7, and 8 of the bill.

Senator Hogg offered amendment S-5157, filed by him from the floor to pages 1 and 2 of amendment S-5122, and moved its adoption.

Amendment S-5157 was adopted by a voice vote.

Senator Hogg offered amendment S-5137, filed by him on February 24, 2010, to page 1 of amendment S-5122, and moved its adoption.

Amendment S-5137 was adopted by a voice vote.

Senator Hogg moved the adoption of amendment S-5122, as amended.

Amendment S-5122, as amended, was adopted by a voice vote.

Senator Hahn offered amendment S-5123, filed by him on February 23, 2010, to page 1 of the bill, and moved its adoption.

Amendment S-5123 was adopted by a voice vote.

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. 2316), the vote was:

Yeas, 26:

Appel	Dvorsky	Kibbie	Seng
Beall	Gronstal	Kreiman	Sodders
Black	Hatch	Olive	Stewart
Bolkcom	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Schmitz	
Dotzler	Jochum	Schoenjahn	

Nays, 20:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Rielly
Boettger	Hancock	McCoy	Seymour
Courtney	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	Wieck

Absent, 4:

Dandekar	Fraise	Houser	Zaun
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2217** and **2316** be **immediately messaged** to the House.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Boettger, until she returns, on request of Senator McKinley.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2252.

### Senate File 2252

On motion of Senator Kreiman, **Senate File 2252**, a bill for an act relating to the criminal and juvenile justice planning advisory council, establishing a public safety advisory board, and providing for implementation, was taken up for consideration.

Senator Kreiman offered amendment S-5151, filed by him from the floor to pages 1-3, 5, and 6 of the bill, and moved its adoption.

Amendment S-5151 was adopted by a voice vote.



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. 2252), the vote was:

Yeas, 45:

Appel	Gronstal	Kettering	Schoenjahn
Bartz	Hahn	Kibbie	Seng
Beall	Hamerlinck	Kreiman	Seymour
Behn	Hancock	McCoy	Sodders
Black	Hartsuch	McKinley	Stewart
Bolkcom	Hatch	Noble	Ward
Courtney	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirmbach	Wieck
Dearden	Horn	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	
Dvorsky	Johnson	Rielly	
Feenstra	Kapucian	Schmitz	

Nays, none.

Absent, 5:

Boettger	Fraise	Zaun
Dandekar	Houser	

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 2252** be **immediately messaged** to the House.

### HOUSE AMENDMENT CONSIDERED

### Senate File 2088

Senator Appel called up for consideration **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, amended by the House in House amendment S-5072, filed February 16, 2010.

Senator Appel offered amendment S-5159, filed by her from the floor to pages 1-4, 7, 22, 30, 36-42, 44-59, and 90 of amendment S-5072.

(Senate File 2088 and amendment S-5159 to amendment S-5072 were deferred.)

The Senate stood at ease at 6:38 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 6:52 p.m., President Kibbie presiding.

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator McCoy, until he returns, on request of Senator Heckroth; and Senator Warnstadt, until he returns, on request of Senator Gronstal.

The Senate resumed consideration of Senate File 2088 and amendment S-5159 to amendment S-5072.

Senator Appel offered amendment S-5161, filed by her from the floor to page 2 of amendment S-5159 to amendment S-5072, and moved its adoption.

Amendment S-5161 was adopted by a voice vote.

Senator Appel moved the adoption of amendment S-5159, as amended.

Amendment S-5159, as amended, was adopted by a voice vote.

Senator Hartsuch offered amendment S-5083, filed by him on February 17, 2010, to page 24 of amendment S-5072, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5083 to amendment S-5072 be adopted?" (S.F. 2088), the vote was:

Yeas, 15:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	Wieck
Hahn	Kapucian	Reynolds	

Nays, 28:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Gronstal	Kibbie	Schoenjahn
Bolkcom	Hancock	Kreiman	Seng
Courtney	Hatch	Olive	Sodders
Danielson	Heckroth	Quirnbach	Stewart
Dearden	Hogg	Ragan	Wilhelm

Absent, 7:

Boettger	Fraise	McCoy	Zaun
Dandekar	Houser	Warnstadt	

Amendment S-5083 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bartz, until he returns, on request of Senator Kettering.

Senator Hartsuch offered amendment S-5084, filed by him on February 17, 2010, to pages 24 and 42 of amendment S-5072, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5084 to amendment S-5072 be adopted?" (S.F. 2088), the vote was:

Yeas, 14:

Behn	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	Wieck
Hahn	Kapucian	Reynolds	
Hamerlinck	Kettering	Seymour	

Nays, 28:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Gronstal	Kibbie	Schoenjahn
Bolkcom	Hancock	Kreiman	Seng
Courtney	Hatch	Olive	Sodders
Danielson	Heckroth	Quirnbach	Stewart
Dearden	Hogg	Ragan	Wilhelm

Absent, 8:

Bartz	Dandekar	Houser	Warnstadt
Boettger	Fraise	McCoy	Zaun

Amendment S-5084 lost.

Senator Appel moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Appel moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2088), the vote was:

Yeas, 41:

Appel	Hahn	Kettering	Schoenjahn
Beall	Hamerlinck	Kibbie	Seng
Black	Hancock	Kreiman	Seymour
Bolkcom	Hartsuch	McKinley	Sodders
Courtney	Hatch	Noble	Stewart
Danielson	Heckroth	Olive	Ward
Dearden	Hogg	Quirmbach	Warnstadt
Dotzler	Horn	Ragan	Wilhelm
Dvorsky	Jochum	Reynolds	
Feenstra	Johnson	Rielly	
Gronstal	Kapucian	Schmitz	

Nays, 2:

Behn	Wieck
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Absent, 7:

Bartz	Dandekar	Houser	Zaun
Boettger	Fraise	McCoy	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## 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 25, 2010, **passed** the following bills in which the concurrence of the House was asked:

**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.

**Senate File 2234**, a bill for an act relating to the regulation of motor vehicle franchises.

**Senate File 2246**, a bill for an act relating to the regulation of motor vehicles by the department of transportation, including modification of the definition of business-trade truck, provisions concerning licensing sanctions and penalties for vehicle recyclers and motor vehicle dealers, annual registration fees for certain vehicles equipped for a person with a disability or used by a person who relies on a wheelchair, requirements for the issuance of temporary persons with disabilities parking permits, and provisions for the operation of certain taxicabs and limousines.

ALSO: That the House has on February 25, 2010, **amended and passed** the following bills in which the concurrence of the Senate is asked:

**Senate File 2067**, a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees and including effective date provisions. (S-5162)

**Senate File 2345**, a bill for an act relating to judicial branch administration, child custody and visitation matters. (S-5163)

ALSO: That the House has on February 25, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 2459**, a bill for an act establishing a watershed planning advisory council.

Read first time and **passed on file**.

**House File 2461**, a bill for an act relating to school business official training and authorization.

Read first time and **passed on file**.

**House File 2484**, a bill for an act exempting certain boat harbors from certain dock requirements and including effective date provisions.

Read first time and **passed on file**.

**House File 2485**, a bill for an act relating to public employee collective bargaining.

Read first time and **passed on file**.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2088** be **immediately messaged** to the House.

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 7:20 p.m. until 10:00 a.m., Monday, March 1, 2010.

#### APPENDIX

##### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

The Honorable Ping Huang, Chinese Consul General from the Chinese Consulate in Chicago—In gratitude for his message to the assembled Iowa State Senate and for building bridges between the people of China and Iowa. Senator Beall (2/25/10).

Aiping Zhang from the Chinese Consulate in Chicago—In grateful recognition of her efforts to build bridges between the people of China and Iowa. Senator Beall (2/25/10).

Lavonne Henkel, Vinton—For celebrating her 80<sup>th</sup> birthday. Senator Kapucian (2/25/10).

## REPORTS OF COMMITTEE MEETINGS

### COMMERCE

**Convened:** Thursday, February 25, 2010, 2:00 p.m.

**Members Present:** Warnstadt, Chair; Heckroth, Vice Chair; Wieck, Ranking Member; Behn, Bolkcom, Courtney, Dandekar, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward.

**Members Absent:** Hartsuch (excused).

**Committee Business:** Presentations by the Insurance Commissioner and Wellmark.

**Adjourned:** 3:35 p.m.

### ECONOMIC GROWTH

**Convened:** Thursday, February 25, 2010, 12:40 p.m.

**Members Present:** Stewart, Chair; Olive, Vice Chair; Beall, Dandekar, Dotzler, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, and Wilhelm.

**Members Absent:** Houser, Ranking Member; Hamerlinck and Hatch (all excused).

**Committee Business:** Passed HF 2195.

**Adjourned:** 12:45 p.m.

### VETERANS AFFAIRS

**Convened:** Thursday, February 25, 2010, 1:05 p.m.

**Members Present:** Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Danielson, Kibbie, Noble, Ragan, and Soddors.

**Members Absent:** Black, Hartsuch, and Wieck (all excused).

**Committee Business:** Presentation by the Veterans Home.

**Adjourned:** 1:40 p.m.

### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** Wednesday, February 24, 2010, 10:25 a.m.

**Members Present:** Danielson, Chair; Jochum, Vice Chair; Bartz, Ranking Member; Behn and Kreiman.

**Members Absent:** None.

**Committee Business:** Presentation by the Legislative Services Agency.

**Adjourned:** 11:00 a.m.

**ALSO:**

**Convened:** Thursday, February 25, 2010, 10:45 a.m.

**Members Present:** Danielson, Chair; Jochum, Vice Chair; Bartz, Ranking Member; and Kreiman.

**Members Absent:** Behn (excused).

**Committee Business:** Approved LSB 5087JA, as amended.

**Adjourned:** 11:10 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

**Convened:** Wednesday, February 24, 2010, 10:20 a.m.

**Members Present:** Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Hartsuch and Schmitz.

**Members Absent:** None.

**Committee Business:** Reviewed budget spreadsheet.

**Adjourned:** 10:55 a.m.

**ALSO:**

**Convened:** Thursday, February 25, 2010, 10:45 a.m.

**Members Present:** Hatch, Chair; Ragan, Vice Chair; Johnson, Ranking Member; Hartsuch and Schmitz.

**Members Absent:** None.

**Committee Business:** Approved budget spreadsheet.

**Adjourned:** 11:15 a.m.



## SUBCOMMITTEE ASSIGNMENTS

### House File 2229

COMMERCE: Warnstadt, Chair; Kettering and McCoy

### House File 2306

JUDICIARY: Jochum, Chair; Noble and Quirnbach

### House File 2307

JUDICIARY: Quirnbach, Chair; Boettger and Jochum

### House File 2418

ENVIRONMENT AND ENERGY INDEPENDENCE: Wilhelm, Chair; Behn and Hancock

### House File 2437

ENVIRONMENT AND ENERGY INDEPENDENCE: Wilhelm, Chair; Bolkom and Reynolds

### House File 2478

JUDICIARY: Hogg, Chair; Schoenjahn and Ward

### House File 2488

STATE GOVERNMENT: Soddors, Chair; Danielson and Seymour

### House File 2496

ENVIRONMENT AND ENERGY INDEPENDENCE: Bolkom, Chair; Stewart and Ward

## FINAL COMMITTEE REPORT OF BILL ACTION

### ECONOMIC GROWTH

**Bill Title:** HOUSE FILE 2195 (HSB 550), a bill for an act concerning fine arts projects in state buildings.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Stewart, Olive, Beall, Dandekar, Dotzler, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, Wieck, and Wilhelm. Nays, none. Absent, 3: Houser, Hamerlinck, and Hatch.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## PETITION

The following petition was presented and placed on file:

From 86 residents of Kossuth and Palo Alto Counties favoring legislation on the definition of marriage. Senator Kibbie.

## REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2151, the following correction was made:

1. Page 3, line 1: removed italics from "a".

MICHAEL E. MARSHALL  
Secretary of the Senate

## AMENDMENTS FILED

S-5146	S.F.	2334	Amanda Ragan
S-5147	S.F.	2199	House
S-5148	S.F.	2302	Keith A. Kreiman
S-5149	S.F.	2324	Steve Warnstadt
S-5150	S.F.	2306	Keith A. Kreiman
S-5151	S.F.	2252	Keith A. Kreiman
S-5152	S.F.	2356	Jack Hatch Rich Olive
S-5153	S.F.	2306	Keith A. Kreiman
S-5154	S.F.	2354	David Hartsuch
S-5155	S.F.	2354	David Hartsuch
S-5156	S.F.	2357	David Hartsuch
S-5157	S.F.	2316	Robert M. Hogg
S-5158	S.F.	2356	Jack Hatch
S-5159	S.F.	2088	Staci Appel
S-5160	S.F.	2337	Thomas G. Courtney
S-5161	S.F.	2088	Staci Appel
S-5162	S.F.	2067	House
S-5163	S.F.	2345	House
S-5164	S.F.	2356	Jack Hatch Rich Olive

# JOURNAL OF THE SENATE

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FIFTIETH CALENDAR DAY  
TWENTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 1, 2010

The Senate met in regular session at 10:08 a.m., President Kibbie presiding.

Prayer was offered by Father Brian Danner of St. Joseph Catholic Church in Milford, Iowa. He was the guest of Senators Johnson and Quirnbach.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Alex Schalla.

The Journal of Thursday, February 25, 2010, was approved.

The Senate stood at ease at 10:14 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:31 a.m., President Kibbie presiding.

UNFINISHED BUSINESS  
(Deferred February 25, 2010)

### **Senate File 2356**

The Senate resumed consideration of **Senate File 2356**, a bill for an act relating to health reform in Iowa by creating an IowaCare plus program and an Iowa insurance information exchange, deferred February 25, 2010.

Senator Rielly offered amendment S-5168, filed by him from the floor to pages 1-7 and amending the title page of the bill.

Senator Hatch asked and received unanimous consent that action on amendment S-5168 be deferred.

Senator Hatch offered amendment S-5164, filed by Senators Hatch and Olive on February 25, 2010, to pages 3-10 of the bill.

Senator Hatch called for the following division of amendment S-5164:

Division S-5164A: Page 1, line 2 through Page 2, line 20; and  
Division S-5164B: Page 2, line 21 through Page 3, line 23.

Senator Hatch asked and received unanimous consent that action on divisions S-5164A and S-5164B be deferred.

Senator Rielly moved the adoption of amendment S-5168.

A record roll call was requested.

On the question "Shall amendment S-5168 be adopted?" (S.F. 2356), the vote was:

Yeas, 28:

Bartz	Hamerlinck	Kapucian	Seymour
Behn	Hancock	Kettering	Sodders
Black	Hartsuch	Kibbie	Ward
Boettger	Heckroth	McKinley	Warnstadt
Dandekar	Horn	Noble	Wieck
Feenstra	Houser	Reynolds	Wilhelm
Hahn	Johnson	Rielly	Zaun

Nays, 22:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kreiman	Schoenjahn
Bolkcom	Fraise	McCoy	Seng
Courtney	Gronstal	Olive	Stewart
Danielson	Hatch	Quirmbach	
Dearden	Hogg	Ragan	

Absent, none.

Amendment S-5168 was adopted.

With the adoption of amendment S-5168, the Chair ruled division S-5164A of the bill, out of order.

(Senate File 2356 and division S-5164B were deferred.)

## RECESS

On motion of Senator Gronstal, the Senate recessed at 12:07 p.m. until 12:20 p.m.

## RECONVENED

The Senate reconvened at 12:20 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2356 and division S-5164B.

Senator Hatch moved the adoption of division S-5164B.

Division S-5164B was adopted by a voice vote.

Senator Hatch offered amendment S-5152, filed by Senators Hatch and Olive on February 25, 2010, to pages 11-21 of the bill.

Senator Hatch offered amendment S-5158, filed by him on February 25, 2010, to page 5 of amendment S-5152, and moved its adoption.

Amendment S-5158 was adopted by a voice vote.

Senator Hatch moved the adoption of amendment S-5152, as amended.

Amendment S-5152, as amended, was adopted by a voice vote.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2356), the vote was:

Yeas, 45:

Appel	Feenstra	Kapucian	Schmitz
Bartz	Fraise	Kettering	Schoenjahn
Beall	Gronstal	Kibbie	Seng
Black	Hahn	Kreiman	Sodders
Boettger	Hamerlinck	McCoy	Stewart
Bolkcom	Hancock	McKinley	Ward

Courtney	Hatch	Noble	Warnstadt
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirnbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Jochum	Reynolds	
Dvorsky	Johnson	Rielly	

Nays, 5:

Behn	Houser	Wieck
Hartsuch	Seymour	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

UNFINISHED BUSINESS  
(Deferred February 24, 2010)

**Senate File 2354**

The Senate resumed consideration of **Senate File 2354**, a bill for an act relating to campaign finance, including political campaign activities and independent expenditures by corporations, and making penalties applicable, deferred February 24, 2010.

Senator Danielson withdrew amendment S-5135, filed by him on February 24, 2010, to pages 1-4 and 6, and amending the title page of the bill.

Senator Danielson offered amendment S-5138, filed by him on February 24, 2010, to pages 1-4 and 6, and amending the title page of the bill.

Senator Quirnbach asked and received unanimous consent that action on amendment S-5138 and **Senate File 2354** be **deferred**.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2333, 2242, and 2197.

**Senate File 2333**

On motion of Senator Dotzler, **Senate File 2333**, a bill for an act relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse, was taken up for consideration.

Senator Dotzler asked and received unanimous consent that action on **Senate File 2333** be **deferred**.

**Senate File 2242**

On motion of Senator Hancock, **Senate File 2242**, a bill for an act relating to the Iowa comprehensive petroleum underground storage tank fund, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 2242** be **deferred**.

**Senate File 2197**

On motion of Senator Hancock, **Senate File 2197**, a bill for an act relating to providing false identification information to a peace officer, emergency medical care provider, or fire fighter and providing a penalty, was taken up for consideration.

Senator Kreiman asked and received unanimous consent that action on **Senate File 2197** be **deferred**.

**IMMEDIATELY MESSAGED**

Senator Gronstal asked and received unanimous consent that **Senate File 2356** be **immediately messaged** to the House.

**RECESS**

On motion of Senator Gronstal, the Senate recessed at 1:16 p.m. until 2:00 p.m.

## RECONVENED

The Senate reconvened at 2:30 p.m., President Kibbie presiding.

## BUSINESS PENDING

**Senate File 2197**

The Senate resumed consideration of **Senate File 2197**, a bill for an act relating to providing false identification information to a peace officer, emergency medical care provider, or fire fighter and providing a penalty, previously deferred.

Senator Kreiman offered amendment S-5170, filed by him from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S-5170 was adopted by a voice vote.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2197), 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.

### IMMEDIATELY MESSAGED

Senator Courtney asked and received unanimous consent that **Senate File 2197** be **immediately messaged** to the House.

### RECESS

On motion of Senator Courtney, the Senate recessed at 2:36 p.m. until 3:00 p.m.

### RECONVENED

The Senate reconvened at 3:14 p.m., President Kibbie presiding.

### BUSINESS PENDING

#### **Senate File 2354**

The Senate resumed consideration of **Senate File 2354**, a bill for an act relating to campaign finance, including political campaign activities and independent expenditures by corporations, and making penalties applicable, and amendment S-5138, previously deferred.

Senator Danielson asked and received unanimous consent that action on amendment S-5138 be deferred.

Senator Quirnbach offered amendment S-5165, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5165 lost by a voice vote.

Senator Hartsuch offered amendment S-5154, filed by him on February 25, 2010, to pages 4-6 of the bill.

Senator Hartsuch called for the following division of amendment S-5154:

Division S-5154A: Page 1, lines 2-13; and

Division S-5154B: Page 1, lines 14-22.

Senator Hartsuch moved the adoption of division S-5154A.

A record roll call was requested.

On the question "Shall division S-5154A be adopted?" (S.F. 2354), 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.

Division S-5154A lost.

Senator Hartsuch moved the adoption of division S-5154B.

Division S-5154B lost by a voice vote.

The Senate resumed consideration of amendment S-5138, previously deferred.

Senator Quirnbach offered amendment S-5173, filed by him from the floor to pages 1-3 of amendment S-5138, and moved its adoption.

Amendment S-5173 lost by a voice vote.

Senator Hartsuch offered amendment S-5155, filed by him on February 25, 2010, to page 3 of amendment S-5138, and moved its adoption.

Amendment S-5155 lost by a voice vote.

Senator Danielson moved the adoption of amendment S-5138.

Amendment S-5138 was adopted by a voice vote.

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. 2354), the vote was:

Yeas, 49:

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	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, 1:

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.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2354** be **immediately messaged** to the House.

### RECESS

On motion of Senator Gronstal, the Senate recessed at 4:14 p.m. until 4:30 p.m.

## RECONVENED

The Senate reconvened at 4:31 p.m., President Kibbie presiding.

## BUSINESS PENDING

**Senate File 2333**

The Senate resumed consideration of **Senate File 2333**, a bill for an act relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse, previously deferred.

Senator Dotzler offered amendment S-5175, filed by him from the floor to pages 1-3 of the bill, and moved its adoption.

Amendment S-5175 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. 2333), 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 2333** be **immediately messaged** to the House.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:40 p.m. until 8:45 a.m., Tuesday, March 2, 2010.

## APPENDIX

## CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Doug Bengtson, Charles City—In honor of his retirement. Senator Ragan (3/1/10).

## REPORTS OF COMMITTEE MEETINGS

## REBUILD IOWA

**Convened:** Monday, March 1, 2010, 1:25 p.m.

**Members Present:** Hogg, Chair; Heckroth, Vice Chair; Hamerlinck, Ranking Member; Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Jochum, Reynolds, and Stewart.

**Members Absent:** Houser (excused).

**Committee Business:** Passed HF 2294.

**Adjourned:** 1:30 p.m.

## TRANSPORTATION

**Convened:** Monday, March 1, 2010, 1:40 p.m.

**Members Present:** Rielly, Chair; Beall, Vice Chair; Noble, Ranking Member; Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, Reynolds, Warnstadt, and Zaun.

**Members Absent:** None.

**Committee Business:** Passed SF 2315, as amended.

**Adjourned:** 1:50 p.m.

**VETERANS AFFAIRS**

**Convened:** Monday, March 1, 2010, 1:20 p.m.

**Members Present:** Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Black, Danielson, Kibbie, Noble, Ragan, and Wieck.

**Members Absent:** Hartsuch and Soddors (both excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 1:25 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT**

**Convened:** Thursday, February 25, 2010, 10:40 a.m.

**Members Present:** Dotzler, Chair; Heckroth, Vice Chair; Kapucian, Ranking Member; Dandekar and Reynolds.

**Members Absent:** None.

**Committee Business:** Passed LSB 5089JA, as amended.

**Adjourned:** 11:05 a.m.

**STUDY BILLS RECEIVED****SSB 3238 Appropriations**

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

**SSB 3239 Appropriations**

Relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective date provisions.

**SSB 3240 Appropriations**

Relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection.

**SSB 3241 Appropriations**

Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing for related matters.

**SSB 3242 Appropriations**

Relating to and making appropriations to the judicial branch.

**SSB 3243 Appropriations**

Relating to and making appropriations to the justice system, and including effective date provisions.

**SUBCOMMITTEE ASSIGNMENTS****House File 2370**

WAYS AND MEANS: Bolkcom, Chair; Stewart and Ward

**House File 2432**

EDUCATION: Schoenjahn, Chair; Boettger and Schmitz

**House File 2440**

EDUCATION: Schoenjahn, Chair; Hamerlinck and Schmitz

**House File 2459**

ENVIRONMENT AND ENERGY INDEPENDENCE: Hogg, Chair; Reynolds and Stewart

**House File 2461**

EDUCATION: Wilhelm, Chair; Johnson and Schoenjahn

**House File 2466**

TRANSPORTATION: Heckroth, Chair; Beall and Zaun

**House File 2484**

NATURAL RESOURCES: Dearden, Chair; Black and Hahn

**House File 2485**

LABOR AND BUSINESS RELATIONS: Jochum, Chair; Courtney and Ward

**SSB 3238**

APPROPRIATIONS: Danielson, Chair; Bartz and Dvorsky

**SSB 3239**

APPROPRIATIONS: Seng, Chair; Dvorsky and Hahn

**SSB 3240**

APPROPRIATIONS: Dvorsky, Chair; and Kettering

**SSB 3241**

APPROPRIATIONS: Dvorsky, Chair; and Kettering

**SSB 3242**

APPROPRIATIONS: Hancock, Chair; Dvorsky and Noble

**SSB 3243**

APPROPRIATIONS: Hancock, Chair; Dvorsky and Noble

**FINAL COMMITTEE REPORTS OF BILL ACTION**

**LABOR AND BUSINESS RELATIONS**

**Bill Title:** HOUSE FILE 681 (HSB 62), a bill for an act requiring employers to provide notice of business closings and mass layoffs and providing penalties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Courtney, Jochum, Ward, Dearden, Dotzler, Hatch, Horn, Houser, and Wieck. Nays, 1: Zaun. Absent, 1: Gronstal.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**REBUILD IOWA**

**Bill Title:** \*HOUSE FILE 2294 (HSB 513), a bill for an act relating to the distribution of moneys from the disaster aid individual assistance grant fund.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5172.



**Final Vote:** Ayes, 12: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Jochum, Reynolds, and Stewart. Nays, none. Absent, 1: Houser.

**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 Rebuild Iowa Committee on House File 2294, and they were attached to the committee report.

## TRANSPORTATION

**Bill Title:** SENATE FILE 2315 (SSB 3182), a bill for an act concerning weight limits for vehicles carrying grain, fertilizer, agricultural lime, or agricultural chemicals on noninterstate highways.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5174.

**Final Vote:** Ayes, 13: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have 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 1<sup>st</sup> day of March, 2010:

Senate Files 2181, 2291, 2300, 2313, and 2350.

MICHAEL E. MARSHALL  
Secretary of the Senate

## PETITION

The following petition was presented and placed on file:

From 127 residents of Humboldt County favoring legislation calling for a public vote on the issue of marriage being between one man and one woman. Senator Kibbie.

## EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 25, 2010, to attend a meeting with the Department of Natural Resources when the vote was taken on Amendment S-5084 and Senate File 2088. Had I been present, I would have voted "Aye" on both.

MERLIN BARTZ

## BILLS ASSIGNED TO COMMITTEE

President Kibbie announced the assignment of the following bills to committees:

H.F.	2485	Labor and Business Relations
H.F.	2461	Education
H.F.	2459	Environment and Energy Independence
H.F.	2484	Natural Resources

## AMENDMENTS FILED

S-5165	S.F.	2354	Herman C. Quirnbach
S-5166	S.F.	2290	Steve Warnstadt
S-5167	S.F.	2290	Steve Warnstadt
S-5168	S.F.	2356	Tom Rielly
S-5169	S.F.	2290	Steve Warnstadt
S-5170	S.F.	2197	Keith A. Kreiman
S-5171	S.F.	2364	Jeff Danielson Tom Hancock
S-5172	H.F.	2294	Rebuild Iowa
S-5173	S.F.	2354	Herman C. Quirnbach
S-5174	S.F.	2315	Transportation
S-5175	S.F.	2333	William A. Dotzler, Jr.

# JOURNAL OF THE SENATE

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FIFTY-FIRST CALENDAR DAY  
THIRTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 2, 2010

The Senate met in regular session at 8:47 a.m., President Kibbie presiding.

Prayer was offered by Pastor David Lewis of the Iowa River Church of the Brethren in Marshalltown, Iowa. He was the guest of Senator McKinley.

The Journal of Monday, March 1, 2010, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 1, 2010, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 2138**, a bill for an act relating to the rights of a donee created by an anatomical gift.

**Senate File 2266**, a bill for an act creating the local public health governance Act, and providing penalties.

ALSO: That the House has on March 1, 2010, **concurred** in the Senate amendment to the House amendment, **and passed** the following bill in which the concurrence of the House was 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.

ALSO: That the House has on March 1, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 2462**, a bill for an act relating to the use of certain regular physical plant and equipment levy funds and including effective date provisions.

Read first time and attached to **similar Senate File 2290**.

**House File 755**, a bill for an act concerning eligibility for the injured veterans grant program.

Read first time and referred to committee on **Veterans Affairs**.

### RECESS

On motion of Senator Gronstal, the Senate recessed at 9:07 a.m. until 1:00 p.m.

### AFTERNOON SESSION

The Senate reconvened at 1:08 p.m., President Kibbie presiding.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 2, 2010, **passed** the following bills in which the concurrence of the House was asked:

**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.

**Senate File 2243**, a bill for an act regarding matters under the purview of the department of natural resources, and including effective date provisions.

**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.

ALSO: That the House has on March 1, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 823**, a bill for an act requiring public schools, community colleges, institutions under the control of the state board of regents, and state agencies to comply with an environmentally preferable cleaning and maintenance policy unless specified conditions for noncompliance are satisfied.

Read first time and attached to **similar Senate File 2335**.

**House File 2449**, a bill for an act relating to the encouragement and assistance of businesses owned by disabled veterans.

Read first time and attached to **similar Senate File 2284**.

**House File 2460**, a bill for an act relating to small business and disadvantaged business enterprise contracts with the department of transportation.

Read first time and referred to committee on **Economic Growth**.

The Senate stood at ease at 1:09 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:55 p.m., President Kibbie presiding.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2329, 2315, and 2353.

#### **Senate File 2329**

On motion of Senator Olive, **Senate File 2329**, a bill for an act establishing an Iowa communications network advisory committee, was taken up for consideration.

Senator Olive withdrew amendment S-5073, filed by him on February 16, 2010, to pages 1 and 2 of the bill.

Senator Olive offered amendment S-5085, filed by him on February 17, 2010, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5085 was adopted by a voice vote.

Senator Olive 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. 2329), the vote was:

Yeas, 34:

Appel	Dearden	Horn	Schmitz
Bartz	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Fraise	Kreiman	Sodders
Boettger	Gronstal	McCoy	Stewart
Bolkcom	Hancock	Olive	Warnstadt
Courtney	Hatch	Quirmbach	Wilhelm
Dandekar	Heckroth	Ragan	
Danielson	Hogg	Rielly	

Nays, 16:

Behn	Hartsuch	Kettering	Seymour
Feenstra	Houser	McKinley	Ward
Hahn	Johnson	Noble	Wieck
Hamerlinck	Kapucian	Reynolds	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 2315

On motion of Senator Olive, **Senate File 2315**, a bill for an act concerning weight limits for vehicles carrying grain, fertilizer, agricultural lime, or agricultural chemicals on noninterstate highways, was taken up for consideration.

Senator Olive asked and received unanimous consent that action on **Senate File 2315** be deferred.

**Senate File 2353**

On motion of Senator Jochum, **Senate File 2353**, a bill for an act relating to the provision of services through Iowa communications network connection facilities under specified circumstances, was taken up for consideration.

Senator Jochum asked and received unanimous consent that action on **Senate File 2353** be **deferred**.

**IMMEDIATELY MESSAGED**

Senator Gronstal asked and received unanimous consent that **Senate File 2329** be **immediately messaged** to the House.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Senator McKinley, until he returns, on request of Senator Johnson.

**CONSIDERATION OF BILLS**  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2332 and House File 2318.

**Senate File 2332**

On motion of Senator Bolkcom, **Senate File 2332**, a bill for an act relating to reimbursement for administrative costs under the medical assistance home and community-based services waiver for intellectual disabilities, was taken up for consideration.

Senator Ragan offered amendment S-5177, filed by her from the floor to page 1 and amending the title page of the bill, and moved its adoption.

Amendment S-5177 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. 2332), the vote was:

Yeas, 44:

Appel	Dvorsky	Horn	Ragan
Bartz	Feenstra	Jochum	Reynolds
Beall	Fraise	Johnson	Rielly
Black	Gronstal	Kapucian	Schmitz
Boettger	Hahn	Kettering	Schoenjahn
Bolkcom	Hamerlinck	Kibbie	Seng
Courtney	Hancock	Kreiman	Seymour
Dandekar	Hartsuch	McCoy	Sodders
Danielson	Hatch	Noble	Stewart
Dearden	Heckroth	Olive	Warnstadt
Dotzler	Hogg	Quirmbach	Wilhelm

Nays, 5:

Behn	Ward	Zaun
Houser	Wieck	

Absent, 1:

McKinley

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### House File 2318

On motion of Senator Beall, **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, with report of committee recommending passage, 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?" (H.F. 2318), the vote was:

Yeas, 30:

Appel	Dvorsky	Jochum	Schoenjahn
Beall	Fraise	Kibbie	Seng
Black	Gronstal	Kreiman	Sodders
Courtney	Hancock	McCoy	Stewart
Dandekar	Hatch	Olive	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	
Dotzler	Horn	Schmitz	

Nays, 19:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Ward
Boettger	Hartsuch	Noble	Wieck
Bolkcom	Houser	Quirmbach	Zaun
Feenstra	Johnson	Reynolds	

Absent, 1:

McKinley

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 2332** and **House File 2318** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2320.

### Senate File 2320

On motion of Senator Hahn, **Senate File 2320**, a bill for an act to allow the use of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads, was taken up for consideration.

Senator Hahn 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. 2320), the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schoenjahn
Bartz	Fraise	Kapucian	Seng
Beall	Gronstal	Kettering	Seymour
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Courtney	Hatch	Olive	Wieck
Dandekar	Heckroth	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	Zaun
Dearden	Horn	Reynolds	
Dotzler	Houser	Rielly	
Dvorsky	Jochum	Schmitz	

Nays, none.

Absent, 1:

McKinley

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 2320** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 2:25 p.m. until 8:45 a.m., Wednesday, March 3, 2010.

## APPENDIX

### COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### DEPARTMENT OF HUMAN SERVICES

Report on Implementation Status of the Mental Health Services System for Children and Youth, pursuant to Iowa Code section 225C.54(5). Report received on March 1, 2010.

#### DEPARTMENT OF NATURAL RESOURCES

Report on Manure on Frozen and Snow-covered Ground, pursuant to 2009 Iowa Acts, SF 432. Report received on March 2, 2010.

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Richard Hassman, Burlington—For celebrating his 80<sup>th</sup> birthday. Senator Courtney (3/2/10).

Ruth Hingst, Burlington—For celebrating her 97<sup>th</sup> birthday. Senator Courtney (3/2/10).

Helen Lingenfelter, Burlington—For celebrating her 80<sup>th</sup> birthday. Senator Courtney (3/2/10).

Helen Ohlmutz, Burlington—For celebrating her 89<sup>th</sup> birthday. Senator Courtney (3/2/10).

Harold Schnicker, Burlington—For celebrating his 80<sup>th</sup> birthday. Senator Courtney (3/2/10).

Urbandale Major League All-Star Team—For its successful tournament season and participation in the 2009 Little League World Series. Senator Zaun (3/2/10).

## REPORTS OF COMMITTEE MEETINGS

## APPROPRIATIONS

**Convened:** Tuesday, March 2, 2010, 11:10 a.m.

**Members Present:** Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hahn, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt.

**Members Absent:** None.

**Committee Business:** Approved SSB 3238.

**Recessed:** 11:15 a.m.

**Reconvened:** 11:40 a.m.

**Adjourned:** 11:50 a.m.

## NATURAL RESOURCES

**Convened:** Tuesday, March 2, 2010, 2:40 p.m.

**Members Present:** Dearden, Chair; Hancock, Vice Chair; Hahn, Ranking Member; Bartz, Black, Bolkcom, Fraise, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng.

**Members Absent:** None.

**Committee Business:** Passed HF's 2310, 2458, and 2484.

**Adjourned:** 3:20 p.m.

## COMMERCE

**Convened:** Tuesday, March 2, 2010, 10:05 a.m.

**Members Present:** Warnstadt, Chair; Heckroth, Vice Chair; Wieck, Ranking Member; Behn, Bolkcom, Courtney, Dandekar, Kettering, McCoy, Rielly, Schmitz, Stewart, and Ward.

**Members Absent:** Hartsuch and Olive (both excused).

**Committee Business:** Passed HF's 788, 2405, and 2409.

**Adjourned:** 10:35 a.m.

**STATE GOVERNMENT**

**Convened:** Tuesday, March 2, 2010, 9:10 a.m.

**Members Present:** Appel, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Black, Courtney, Danielson, Dearden, Hartsuch, Hatch, Horn, Jochum, Seymour, Soddors, and Wieck.

**Members Absent:** None.

**Committee Business:** Passed HF 2488.

**Adjourned:** 9:20 a.m.

**INTRODUCTION OF RESOLUTION**

**Senate Resolution 106**, by Wilhelm and Reynolds, a resolution designating March 2010 as Iowa Women's History Month.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**STUDY BILLS RECEIVED****SSB 3244 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 and including effective date provisions.

**SSB 3245 Ways and Means**

Authorizing cities and counties to impose a fee on the renting of certain lodging.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 2294**

APPROPRIATIONS: Dvorsky, Chair; and Kettering

**House File 755**

VETERANS AFFAIRS: Ragan, Chair; Danielson and Seymour

**House File 2460**

ECONOMIC GROWTH: Rielly, Chair; Kapucian and Stewart

**SSB 3244**

APPROPRIATIONS: Dotzler, Chair; Dvorsky and Kapucian

**SSB 3245**

WAYS AND MEANS: McCoy, Chair; Hamerlinck and Hogg

**FINAL COMMITTEE REPORTS OF BILL ACTION****COMMERCE**

**Bill Title:** HOUSE FILE 2405 (HSB 628), a bill for an act relating to the confidentiality of information disclosed pursuant to applications for broadband technology project grants, and projects undertaken pursuant thereto, and including effective date and applicability provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Warnstadt, Heckroth, Wieck, Behn, Bolkcom, Courtney, Dandekar, Kettering, McCoy, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 2: Hartsuch and Olive.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** HOUSE FILE 2409 (HSB 674), a bill for an act eliminating specified mortgage loan disclosure statement filing requirements applicable to financial institutions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Warnstadt, Heckroth, Wieck, Behn, Bolkcom, Courtney, Dandekar, Kettering, McCoy, Rielly, Schmitz, Stewart, and Ward. Nays, none. Absent, 2: Hartsuch and Olive.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** HOUSE FILE 788 (formerly HF 458), a bill for an act concerning alcohol beverage control, relating to minors and public intoxication or possession of alcohol and prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5179.

**Final Vote:** Ayes, 10: Warnstadt, Heckroth, Bolkcom, Courtney, Dandekar, McCoy, Rielly, Schmitz, Stewart, and Ward. Nays, 3: Wieck, Behn, and Kettering. Absent, 2: Hartsuch and Olive.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**NATURAL RESOURCES**

**Bill Title:** HOUSE FILE 2310, a bill for an act relating to raising or releasing pen-reared pheasants originating from a hatchery approved by the department of natural resources.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Dearden, Hahn, Bartz, Fraise, Kettering, Noble, Ragan, Schoenjahn, and Seng. Nays, 4: Hancock, Black, Bolkcom, and Johnson. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** HOUSE FILE 2458 (formerly HF 2210), a bill for an act relating to restrictions on mowing within the right-of-way of interstates, primary highways, and secondary roads.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Dearden, Hancock, Hahn, Black, Bolkcom, Fraise, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng. Nays, 1: Bartz. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** HOUSE FILE 2484 (formerly HF 2293), a bill for an act exempting certain boat harbors from certain dock requirements and including effective date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Dearden, Hancock, Hahn, Bartz, Black, Bolkcom, Fraise, Johnson, Kettering, Noble, Ragan, Schoenjahn, and Seng. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### STATE GOVERNMENT

**Bill Title:** HOUSE FILE 2488 (HSB 665), a bill for an act relating to the appointment of young adults to appointive boards, commissions, committees, and councils.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Appel, Kibbie, Feenstra, Behn, Black, Courtney, Danielson, Dearden, Hatch, Horn, Jochum, Seymour, Soddors, and Wieck. Nays, 1: Hartsuch. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have 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 2<sup>nd</sup> day of March, 2010:

Senate Files 2128, 2151, 2195 and 2196.

MICHAEL E. MARSHALL  
Secretary of the Senate

#### AMENDMENTS FILED

S-5176	S.F.	2348	Swati A. Dandekar
S-5177	S.F.	2332	Amanda Ragan
S-5178	S.F.	2353	Bill Heckroth Steven J. Soddors
S-5179	H.F.	788	Commerce
S-5180	S.F.	2335	Amanda Ragan
S-5181	S.F.	2353	Brad Zaun Steve Kettering Jerry Behn James A. Seymour Nancy J. Boettger Kim Reynolds David Johnson



Larry Noble  
Pat Ward  
David Hartsuch  
Shawn Hamerlinck  
James F. Hahn  
Randy Feenstra  
Pam Jochum

S-5182

S.F.

2353

# JOURNAL OF THE SENATE

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FIFTY-SECOND CALENDAR DAY  
THIRTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 3, 2010

The Senate met in regular session at 8:54 a.m., President Kibbie presiding.

Prayer was offered by Reverend Cathleen Bascom, dean of the Cathedral Church of St. Paul in Des Moines, Iowa. She was the guest of Senator McCoy.

The Journal of Tuesday, March 2, 2010, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 2, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 2399**, a bill for an act requiring certain rate-regulated public utilities to undertake analyses of and preparation for the possible construction of low carbon emitting nuclear generating facilities in this state, permitting all rate-regulated public utilities to make significant alterations to an existing generating facility, and including effective date provisions.

Read first time and attached to **similar Senate File 2314**.

**House File 2452**, a bill for an act relating to driver's license sanctions, including the issuance of temporary restricted licenses and certain requirements relating to ignition interlock devices, and providing penalties.

Read first time and attached to **similar Senate File 2251**.

**House File 2473**, a bill for an act relating to criminal offense definitions, penalties, and the forfeiture of an unsecured appearance bond in a criminal proceeding.

Read first time and referred to committee on **Judiciary**.

**House File 2487**, a bill for an act relating to the allocation, issuance, reporting, recapture, and reallocation of recovery zone bonds, and including effective date provisions.

Read first time and referred to committee on **Rebuild Iowa**.

**House File 2489**, a bill for an act concerning choice of automobile glass replacement or repair facilities under automobile liability insurance policies and requiring a study of automobile glass replacement or repair insurance claims processing procedures.

Read first time and referred to committee on **Commerce**.

**House File 2495**, a bill for an act specifying those authorized to solemnize marriages in this state, and including effective date and future repeal provisions.

Read first time and referred to committee on **Judiciary**.

#### SPECIAL GUESTS

Senator Black introduced to the Senate chamber Mehmet Caputcu, Director of the Iowa Dialogue Center in Des Moines, and a Sunni Turkish citizen. He was accompanied by the Honorable Paul Bell, member of the House from Jasper County, Newton, Iowa.

The Senate rose and expressed its welcome.

The Senate stood at ease at 9:16 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:51 a.m., President Kibbie presiding.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Bolkom, until he arrives, on request of Senator Hogg; and Senator Dearden, until he arrives, on request of Senator Gronstal.

UNFINISHED BUSINESS  
(Deferred March 2, 2010)**Senate File 2353**

The Senate resumed consideration of **Senate File 2353**, a bill for an act relating to the provision of services through Iowa communications network connection facilities under specified circumstances, deferred March 2, 2010.

Senator Zaun offered amendment S-5181, filed by Senator Zaun, et al., on March 2, 2010, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5181 be adopted?" (S.F. 2353), the vote was:

Yeas, 19:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Ward
Black	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	

Nays, 29:

Appel	Gronstal	Kreiman	Seng
Beall	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm

Dotzler	Horn	Rielly
Dvorsky	Jochum	Schmitz
Fraise	Kibbie	Schoenjahn

Absent, 2:

Bolkcom	Dearden
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Amendment S-5181 lost.

Senator Jochum offered amendment S-5182, filed by her on March 2, 2010, to pages 1-3 of the bill, and moved its adoption.

Amendment S-5182 was adopted by a voice vote.

With the adoption of amendment S-5182, the Chair ruled amendment S-5178, filed by Senators Heckroth and Sodders on March 2, 2010, to page 2 of the bill, out of order.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Schoenjahn, for the remainder of the day, on request of Senator Gronstal.

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. 2353), the vote was:

Yeas, 47:

Appel	Fraise	Johnson	Rielly
Bartz	Gronstal	Kapucian	Schmitz
Beall	Hahn	Kettering	Seng
Behn	Hamerlinck	Kibbie	Seymour
Black	Hancock	Kreiman	Sodders
Boettger	Hartsuch	McCoy	Stewart
Courtney	Hatch	McKinley	Ward
Dandekar	Heckroth	Noble	Warnstadt
Danielson	Hogg	Olive	Wieck
Dotzler	Horn	Quirnbach	Wilhelm
Dvorsky	Houser	Ragan	Zaun
Feenstra	Jochum	Reynolds	

Nays, none.

Absent, 3:

Bolkcom                      Dearden                      Schoenjahn

The bill, having received a constitutional majority, was declared to have passed 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 File 2348 and House File 2484.

#### **Senate File 2348**

On motion of Senator Dandekar, **Senate File 2348**, a bill for an act providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions, with report of committee without recommendation, was taken up for consideration.

Senator Dandekar withdrew amendment S-5176, filed by her on March 2, 2010, to pages 6 and 8 of the bill.

Senator Dandekar offered amendment S-5183, filed by her from the floor to pages 6 and 8 of the bill, and moved its adoption.

Amendment S-5183 was adopted by a voice vote.

Senator Dandekar 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. 2348), the vote was:

Yeas, 47:

Appel	Fraise	Johnson	Rielly
Bartz	Gronstal	Kapucian	Schmitz
Beall	Hahn	Kettering	Seng
Behn	Hamerlinck	Kibbie	Seymour
Black	Hancock	Kreiman	Sodders

Boettger	Hartsuch	McCoy	Stewart
Courtney	Hatch	McKinley	Ward
Dandekar	Heckroth	Noble	Warnstadt
Danielson	Hogg	Olive	Wieck
Dotzler	Horn	Quirnbach	Wilhelm
Dvorsky	Houser	Ragan	Zaun
Feenstra	Jochum	Reynolds	

Nays, none.

Absent, 3:

Bolkcom	Dearden	Schoenjahn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### House File 2484

On motion of Senator Horn, **House File 2484**, a bill for an act exempting certain boat harbors from certain dock requirements and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Horn 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. 2484), the vote was:

Yeas, 32:

Appel	Fraise	Jochum	Rielly
Beall	Gronstal	Kapucian	Schmitz
Black	Hahn	Kibbie	Seng
Courtney	Hancock	Kreiman	Sodders
Dandekar	Hatch	McCoy	Stewart
Danielson	Heckroth	Olive	Ward
Dotzler	Hogg	Quirnbach	Warnstadt
Dvorsky	Horn	Ragan	Wilhelm

Nays, 15:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	McKinley	Wieck

Boettger  
Feenstra

Houser  
Johnson

Noble  
Reynolds

Zaun

Absent, 3:

Bolkcom

Dearden

Schoenjahn

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 2348** and **2353** and **House File 2484** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 10:32 a.m. until 8:45 a.m., Thursday, March 4, 2010.

## APPENDIX

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northwest Senate gallery:

Senior government students from Spirit Lake High School, accompanied by teacher Roland Schmidt. Senator Johnson.

### REPORTS OF COMMITTEE MEETINGS

#### EDUCATION

**Convened:** Wednesday, March 3, 2010, 3:00 p.m.

**Members Present:** Schmitz, Chair; Boettger, Ranking Member; Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, McKinley, Quirmbach, and Wilhelm.

**Members Absent:** Schoenjahn, Vice Chair; and Soddors (both excused).

**Committee Business:** Passed HF's 2295, 2432, and 2461.

**Recessed:** 3:10 p.m.



**Reconvened:** 3:25 p.m.

**Adjourned:** 4:50 p.m.

## ENVIRONMENT AND ENERGY INDEPENDENCE

**Convened:** Wednesday, March 3, 2010, 1:15 p.m.

**Members Present:** Black, Chair; Hogg, Vice Chair; Behn, Ranking Member, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, and Wilhelm.

**Members Absent:** Bolkcom (excused).

**Committee Business:** Passed HF 2496, as amended, and HFs 2418, 2437, and 2459.

**Adjourned:** 1:30 p.m.

## HUMAN RESOURCES

**Convened:** Wednesday, March 3, 2010, 2:05 p.m.

**Members Present:** Ragan, Chair; Schmitz, Vice Chair; Bartz, Boettger, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm.

**Members Absent:** Hartsuch, Ranking Member; and Bolkcom (both excused).

**Committee Business:** Passed HF 2144.

**Adjourned:** 2:10 p.m.

## REBUILD IOWA

**Convened:** Wednesday, March 3, 2010, 10:45 a.m.

**Members Present:** Hogg, Chair; Heckroth, Vice Chair; Hamerlinck, Ranking Member; Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Jochum, and Stewart.

**Members Absent:** Houser and Reynolds (both excused).

**Committee Business:** Passed HF 2487.

**Adjourned:** 10:50 a.m.

## RULES AND ADMINISTRATION

**Convened:** Wednesday, March 3, 2010, 11:35 a.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Courtney, Danielson, Dvorsky, Kettering, Ragan, and Zaun.

**Members Absent:** Boettger and Dearden (both excused).

**Committee Business:** Assigned governor's appointees to committees. Passed SR 106.

**Adjourned:** 11:40 a.m.

## TRANSPORTATION

**Convened:** Wednesday, March 3, 2010, 2:05 p.m.

**Members Present:** Rielly, Chair; Beall, Vice Chair; Noble, Ranking Member; Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, Reynolds, Warnstadt, and Zaun.

**Members Absent:** None.

**Committee Business:** Passed HF 2466.

**Recessed:** 2:10 p.m.

**Reconvened:** 2:15 p.m.

**Adjourned:** 2:20 p.m.

## WAYS AND MEANS

**Convened:** Tuesday, March 2, 2010, 4:05 p.m.

**Members Present:** Bolkom, 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:** Passed SFs 2296 and 2336. Approved SSBs 3212, 3225, and 3237.

**Adjourned:** 5:15 p.m.

## APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** Thursday, February 18, 2010, 10:45 a.m.

**Members Present:** Seng, Chair; Black, Vice Chair; Hahn, Ranking Member; Houser and Wilhelm.

**Members Absent:** None.

**Committee Business:** Presentations by the Soil Conservation Division of the Department of Agriculture and Land Stewardship and the Iowa State University College of Veterinary Medicine.

**Adjourned:** 12:10 p.m.

**ALSO:**

**Convened:** Tuesday, February 23, 2010, 10:25 a.m.

**Members Present:** Seng, Chair; Black, Vice Chair; Hahn, Ranking Member; Houser and Wilhelm.

**Members Absent:** None.

**Committee Business:** Budget presentation by the Department of Natural Resources.

**Adjourned:** 11:25 a.m.

**ALSO:**

**Convened:** Thursday, February 25, 2010, 10:25 a.m.

**Members Present:** Seng, Chair; Black, Vice Chair; Hahn, Ranking Member; and Wilhelm.

**Members Absent:** Houser (excused).

**Committee Business:** Approved LSB 5088JA, as amended.

**Adjourned:** 11:40 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** Thursday, February 25, 2010, 10:45 a.m.

**Members Present:** Schoenjahn, Chair; Quirnbach, Vice Chair; Boettger, Ranking Member; Feenstra and Horn.

**Members Absent:** None.

**Committee Business:** General discussion.

**Adjourned:** 11:45 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** Tuesday, February 23, 2010, 10:20 a.m.

**Members Present:** Hancock, Chair; Hogg, Vice Chair; Noble, Ranking Member; Fraise and Zaun.

**Members Absent:** None.

**Committee Business:** Overview of committee's agenda.

**Adjourned:** 10:55 a.m.

**ALSO:**

**Convened:** Wednesday, February 24, 2010, 10:30 a.m.

**Members Present:** Hancock, Chair; Hogg, Vice Chair; Noble, Ranking Member; Fraise and Zaun.

**Members Absent:** None.

**Committee Business:** Approved LSB 5093JA, as amended.

**Adjourned:** 11:05 a.m.

**ALSO:**

**Convened:** Thursday, February 25, 2010, 8:10 a.m.

**Members Present:** Hancock, Chair; Hogg, Vice Chair; Noble, Ranking Member; Fraise and Zaun.

**Members Absent:** None.

**Committee Business:** Approved LSB 5092JA, as amended.

**Adjourned:** 8:45 a.m.

## INTRODUCTION OF BILLS

**Senate File 2367**, by committee on Appropriations, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

Read first time under Rule 28 and **placed on Appropriations calendar.**

**Senate File 2368**, by committee on Ways and Means, a bill for an act providing for the waiver of tax penalties and interest under certain disaster loss circumstances and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

**Senate File 2369**, by committee on Ways and Means, a bill for an act relating to the reporting of statewide school infrastructure funding expenditures to the general assembly.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

**Senate File 2370**, by committee on Ways and Means, a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, and making penalties applicable.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

#### SUBCOMMITTEE ASSIGNMENTS

##### **Senate File 2219**

APPROPRIATIONS: Bolkcom, Chair; Johnson and Ragan

##### **Senate File 2255**

APPROPRIATIONS: Dotzler, Chair; Hatch and Seymour

##### **House File 2384**

VETERANS AFFAIRS: Ragan, Chair; Danielson and Seymour

##### **House File 2473**

JUDICIARY: Kreiman, Chair; Hancock and Ward

##### **House File 2489**

COMMERCE: Rielly, Chair; Behn and McCoy

##### **House File 2495**

JUDICIARY: Kreiman, Chair; Boettger and Jochum

## FINAL COMMITTEE REPORTS OF BILL ACTION

## APPROPRIATIONS

**Bill Title:** SENATE FILE 2367 (SSB 3238), a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 16: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## EDUCATION

**Bill Title:** HOUSE FILE 2295 (HSB 658), a bill for an act establishing a task force to review the present mission, structure, governance, and funding of the area education agencies.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Schmitz, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, Quirmbach, and Wilhelm. Nays, none. Absent, 3: Schoenjahn, McKinley, and Sodders.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## ALSO:

**Bill Title:** HOUSE FILE 2432 (formerly HF 2185), a bill for an act relating to a study of the opportunities for recruiting racial and ethnic minority teachers from outside the state.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Schmitz, Boettger, Appel, Beall, Dvorsky, Feenstra, Hamerlinck, Heckroth, Johnson, Kreiman, Quirmbach, and Wilhelm. Nays, none. Absent, 3: Schoenjahn, McKinley, and Sodders.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## ALSO:

**Bill Title:** HOUSE FILE 2461 (HSB 671), a bill for an act relating to school business official training and authorization.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Schmitz, Appel, Beall, Dvorsky, Heckroth, Johnson, Kreiman, Quirnbach, and Wilhelm. Nays, 3: Boettger, Feenstra, and Hamerlinck. Absent, 3: Schoenjahn, McKinley, and Sodders.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### **ENVIRONMENT AND ENERGY INDEPENDENCE**

**Bill Title:** HOUSE FILE 2418 (HSB 664), a bill for an act relating to periodic evaluations of certain air quality standards.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Black, Hogg, Behn, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, and Wilhelm. Nays, none. Absent, 1: Bolkom.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### **ALSO:**

**Bill Title:** HOUSE FILE 2437 (HSB 663), a bill for an act relating to private sewage disposal system inspections and groundwater hazard statements as part of certain property transfers.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Black, Hogg, Behn, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, and Wilhelm. Nays, none. Absent, 1: Bolkom.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### **ALSO:**

**Bill Title:** HOUSE FILE 2459 (HSB 660), a bill for an act establishing a watershed planning advisory council.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Black, Hogg, Behn, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, and Wilhelm. Nays, none. Absent, 1: Bolkom.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

#### **ALSO:**

**Bill Title:** HOUSE FILE 2496 (HSB 661), a bill for an act relating to recycling initiatives.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5184.

**Final Vote:** Ayes, 10: Black, Hogg, Behn, Hancock, Hartsuch, Reynolds, Rielly, Stewart, Ward, and Wilhelm. Nays, none. Absent, 1: Bolkom.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## HUMAN RESOURCES

**Bill Title:** HOUSE FILE 2144 (HSB 517), a bill for an act relating to health-related activities and regulation by the department of public health, and making penalties applicable.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Ragan, Schmitz, Bartz, Boettger, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm. Nays, none. Absent, 2: Hartsuch and Bolkom.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## REBUILD IOWA

**Bill Title:** HOUSE FILE 2487 (HSB 707), a bill for an act relating to the allocation, issuance, reporting, recapture, and reallocation of recovery zone bonds, and including effective date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Hogg, Heckroth, Hamerlinck, Appel, Dandekar, Dvorsky, Feenstra, Hahn, Horn, Jochum, and Stewart. Nays, none. Absent, 2: Houser and Reynolds.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## RULES AND ADMINISTRATION

**Bill Title:** SENATE RESOLUTION 106, a resolution designating March 2010 as Iowa Women's History Month.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Gronstal, Kibbie, McKinley, Courtney, Danielson, Dvorsky, Kettering, Ragan, and Zaun. Nays, none. Absent, 2: Boettger and Dearden.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## TRANSPORTATION

**Bill Title:** HOUSE FILE 2466 (formerly HF 2035), a bill for an act relating to the license or authorization issued to a person who qualifies as a driver education instructor and including effective date and retroactive applicability provisions.



**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Rielly, Beall, Noble, Dandekar, Danielson, Hahn, Hancock, Heckroth, Kapucian, McCoy, Reynolds, Warnstadt, and Zaun. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## VETERANS AFFAIRS

**Bill Title:** HOUSE FILE 755 (formerly HF 575), a bill for an act concerning eligibility for the injured veterans grant program.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, and Wieck. Nays, none. Absent, 1: Sodders.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### ALSO:

**Bill Title:** HOUSE FILE 2198 (formerly HF 2060), a bill for an act providing an exemption from vehicle registration for trailers used exclusively in veterans flag ceremonies and parades.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, and Wieck. Nays, none. Absent, 1: Sodders.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### ALSO:

**Bill Title:** HOUSE FILE 2321 (formerly HF 2102), a bill for an act relating to providing veteran services to inmates incarcerated in a jail or municipal holding facility.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### ALSO:

**Bill Title:** HOUSE FILE 2384 (HSB 677), a bill for an act requiring the Iowa department of veterans affairs to advise deploying service members regarding certain issues related to taxation.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Soddors, and Wieck. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** HOUSE FILE 2414 (HSB 712), a bill for an act relating to service in an honor guard unit on public property.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Beall, Warnstadt, Seymour, Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, and Wieck. Nays, none. Absent, 1: Soddors.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## WAYS AND MEANS

**Bill Title:** SENATE FILE 2368 (SSB 3212), a bill for an act providing for the waiver of tax penalties and interest under certain disaster loss circumstances and including effective date and retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 17: Bolcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirnbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** \*SENATE FILE 2369 (SSB 3225), a bill for an act relating to the reporting of statewide school infrastructure funding expenditures to the general assembly.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 17: Bolcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirnbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2369, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2370 (formerly SF 2296), a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Bolkcom, McCoy, Dandekar, Dotzler, Hogg, Jochum, Quirnbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 6: Zaun, Bartz, Feenstra, Hamerlinck, Houser, and Ward. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2370, and they were attached to the committee report.

### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 2, 2010, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2181 – Relating to employment practices and public safety programs administered by the division of labor services of the department of workforce development.

Senate File 2291 – Relating to special education rights and duties and to the related duties and operations of the department of education and local school boards.

Senate File 2300 – Relating to the service of notice requirements for landlords and tenants and the service of notice requirements in an action for forcible entry and detainer and including effective date provisions.

Senate File 2313 – Modifying provisions applicable to the formation and operation of electric power agencies.

Senate File 2350 – Relating to prohibited contracts and activities for civil service commissioners.

**ALSO:** A communication was received announcing that on March 3, 2010, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2128 – Requiring certain campaign finance statements and reports to be filed in an electronic format.

Senate File 2151 – Relating to public funding and regulatory matters by making and revising appropriations made for purposes of health and human services and providing effective dates.

Senate File 2195 – Relating to campaign finance requirements and reporting.

Senate File 2196 – Relating to the administration of the election laws by the secretary of state and including effective date provisions.

## APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

### BY THE GOVERNOR

### TERM

#### ACCOUNTANCY EXAMINING BOARD (Sec. 542.4)

Mary Schramm, Russell	05/01/2010 – 04/30/2013
Carol Schuster, De Witt	05/01/2010 – 04/30/2013
Donald Timmins, Altoona	05/01/2010 – 04/30/2013

#### COMMISSION ON THE STATUS OF AFRICAN-AMERICANS (Sec. 216A.142)

Redmond Jones II, Davenport	05/01/2010 – 04/30/2014
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#### AGRICULTURAL DEVELOPMENT AUTHORITY (Sec. 175.3)

Cheryl Adam, Batavia	05/01/2010 – 04/30/2016
Lisa Irlbeck, Templeton	05/01/2010 – 04/30/2016
Jayne Ungs, Boone	05/01/2010 – 04/30/2016

#### ALCOHOLIC BEVERAGES COMMISSION (Sec. 123.5)

Claire Celsi, Des Moines	05/01/2010 – 04/30/2015
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#### ADMINISTRATOR OF THE ALCOHOLIC BEVERAGES DIVISION (Sec. 123.10)

Stephen Larson, Johnston	05/01/2010 – 04/30/2014
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#### ARCHITECTURAL EXAMINING BOARD (Sec. 544A.1)

Saleem Baig, Ames	05/01/2010 – 04/30/2013
Susan Bowersox, Fairfax	05/01/2010 – 04/30/2013

#### BOARD OF ATHLETIC TRAINING (Sec. 147.14(1)(r))

Troy Kleese, Des Moines	05/01/2010 – 04/30/2013
Shaun McCarthy, Iowa City	05/01/2010 – 04/30/2013

#### IOWA AUTISM COUNCIL (Sec. 256.35A)

Karn Johansen (Palmer), Mason City	05/01/2010 – 04/30/2013
Susan Smith, Brayton	05/01/2010 – 04/30/2013
Charles Wadle, West Des Moines	05/01/2010 – 04/30/2013
Patrick Westhoff, Ankeny	05/01/2010 – 04/30/2013

BOARD OF BARBERING (Sec. 147.14(1)(a)) Charles Wubbena, Waterloo	05/01/2010 – 04/30/2013
BOARD OF BEHAVIORAL SCIENCE (Sec. 147.14(1)(m)) Kenneth Fann, Atlantic Megan Murphy, Ames	05/01/2010 – 04/30/2013 05/01/2010 – 04/30/2013
COMMISSION FOR THE BLIND (Sec. 216B.2) Michael Hoenig, Davenport	05/01/2010 – 04/30/2013
BOILER AND PRESSURE VESSEL BOARD (Sec. 89.14) Thomas Dye, Norwalk Joseph Rodenkirk, Cedar Rapids Lynne Rush, Victor	05/01/2010 – 04/30/2014 05/01/2010 – 04/30/2014 05/01/2010 – 04/30/2014
CHILD ADVOCACY BOARD (Sec. 237.16) Gerald Magee, Charles City Roberta Payne, Iowa City Michael Steele, Mt. Pleasant NancyLee Ziese, Cedar Rapids	05/01/2010 – 04/30/2014 05/01/2010 – 04/30/2014 05/01/2010 – 04/30/2014 05/01/2010 – 04/30/2014
CHILD WELFARE ADVISORY COMMITTEE (Sec. 234.3) Jerry Foxhoven, Clive Nancy Magnall, Waverly	05/01/2010 – 04/30/2013 05/01/2010 – 04/30/2013
BOARD OF CHIROPRACTIC (Sec. 147.14(1)(h)) Bradley Brown, Oelwein Leslie Duinink, Monroe	05/01/2010 – 04/30/2013 03/01/2010 – 04/30/2011
CITY DEVELOPMENT BOARD (Sec. 368.9) Dennis Plautz, Fort Dodge	05/01/2010 – 04/30/2016
COMMISSION ON COMMUNITY ACTION AGENCIES (Sec. 216A.92A) Joyce Hoepker, Bedford G. Kevin Middleswart, Indianola Robert Tyson, Waterloo	05/01/2010 – 04/30/2013 05/01/2010 – 04/30/2013 05/01/2010 – 04/30/2013
BOARD OF CORRECTIONS (Sec. 904.104) Sheryl Griffith, Fort Dodge	05/01/2010 – 04/30/2014
BOARD OF COSMETOLOGY ARTS AND SCIENCES (Sec. 147.14(1)(n)) Richard Sheriff, Des Moines	05/01/2010 – 04/30/2013
CREDIT UNION REVIEW BOARD (Sec. 533.107) Paul Becker, Fort Dodge Jeffrey Hayes, Cherokee Michaela “Shelley” Parbs, Center Point	05/01/2010 – 04/30/2013 05/01/2010 – 04/30/2013 05/01/2010 – 04/30/2013
CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL (Sec. 216A.132) Thomas Ferguson, Waterloo Paul Fitzgerald, Colo Michelle Leonard, Dallas Center	05/01/2010 – 04/30/2014 05/01/2010 – 04/30/2014 05/01/2010 – 04/30/2014

Catherine Reaman-Gerdes, St. Charles	05/01/2010 – 04/30/2014
John Spinks, Windsor Heights	05/01/2010 – 04/30/2014
Thomas Walton, Waukee	05/01/2010 – 04/30/2014

**BOARD OF TRUSTEES OF THE IOWA CULTURAL TRUST (Sec. 303A.5)**

Mary Kelly, Des Moines	05/01/2010 – 04/30/2015
Henry Neuman, Le Claire	05/01/2010 – 04/30/2015

**COMMISSION ON THE DEAF (Sec. 216A.112)**

James Snyder, Dubuque	05/01/2010 – 04/30/2013
Robert Vizzini, Fairfax	05/01/2010 – 04/30/2013

**BOARD OF DENTISTRY (Sec. 147.14(1)(d))**

Steven Bradley, Cascade	05/01/2010 – 04/30/2013
Lynn Curry, Carroll	05/01/2010 – 04/30/2013
Michael Rovner, West Des Moines	05/01/2010 – 04/30/2013
Kimberlee Spillers, Atlantic	05/01/2010 – 04/30/2012

**BOARD OF DIETETICS (Sec. 147.14(1)(k))**

Janet Johnson, Cedar Rapids	05/01/2010 – 04/30/2013
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**PREVENTION OF DISABILITIES POLICY COUNCIL (Sec. 225B.3)**

Claibourne Dundy, Iowa City	05/01/2010 – 04/30/2013
Scott Lindgren, Solon	05/01/2010 – 04/30/2013
Maggie Tinsman, Bettendorf	05/01/2010 – 04/30/2013

**IOWA DRUG POLICY ADVISORY COUNCIL (Sec. 80E.2)**

Jennifer Davis, Thor	03/01/2010 – 04/30/2013
Eric Snyder, Ames	05/01/2010 – 04/30/2014
Brian Vos, Carlisle	05/01/2010 – 04/30/2014

**IOWA ECONOMIC DEVELOPMENT BOARD (Sec. 15.103)**

George “Curtis” Baugh, Pella	05/01/2010 – 04/30/2012
David Bernstein, Sioux City	05/01/2010 – 04/30/2014
John Bickel, Cedar Rapids	05/01/2010 – 04/30/2014
Jerry Courtney, Burlington	05/01/2010 – 04/30/2012
Nancy Dunkel, Dyersville	05/01/2010 – 04/30/2012
Rebecca Greenwald, Perry	05/01/2010 – 04/30/2012
Sue Jarboe, Urbandale	05/01/2010 – 04/30/2014
John Lisle, Clarinda	05/01/2010 – 04/30/2012
Ruth MacDonald, Ames	05/01/2010 – 04/30/2014
Andrea McGuire, Des Moines	05/01/2010 – 04/30/2014
Robert Riley, Jr., Des Moines	05/01/2010 – 04/30/2014
Marcia Rogers, Cedar Rapids	05/01/2010 – 04/30/2012
Toby Shine, Wahpeton	05/01/2010 – 04/30/2012
Daniel White, Dubuque	05/01/2010 – 04/30/2014

(Note: see SJ p. 785 letters correcting term dates were submitted for John Lisle and Daniel White.)

**STATE BOARD OF EDUCATION (Sec. 256.3)**

Rosemarie Hussey, Clear Lake	05/01/2010 – 04/30/2016
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## BOARD OF EDUCATIONAL EXAMINERS (Sec. 272.3)

Tammy Duehr, Dubuque	05/01/2010 – 04/30/2014
Laura Stevens, Milford	05/01/2010 – 04/30/2014

## ELEVATOR SAFETY BOARD (Sec. 89A.13)

Russell Allen, Cedar Rapids	05/01/2010 – 04/30/2014
Todd Christensen, Des Moines	05/01/2010 – 04/30/2014
Peter Fromm, Ankeny	05/01/2010 – 04/30/2014
Marvin Schumacher, Denver	05/01/2010 – 04/30/2014

## IOWA EMERGENCY RESPONSE COMMISSION (Sec. 30.2)

Robert Dougherty, Burlington	05/01/2010 – 04/30/2013
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## EMPLOYMENT APPEAL BOARD (Sec. 10A.601)

John Peno, Carlisle	05/01/2010 – 04/30/2016
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## IOWA EMPOWERMENT BOARD (Sec 28.3)

Alice Atkinson, Iowa City	05/01/2010 – 04/30/2013
Jerome Mohr, Eldridge	05/01/2010 – 04/30/2012
Sara Monroy-Huddleston, Storm Lake	05/01/2010 – 04/30/2013
John White, Davenport	05/01/2010 – 04/30/2013

## ENGINEERING AND LAND SURVEYING EXAMINING BOARD (Sec. 542B.3)

Craig Johnstone, Grinnell	05/01/2010 – 04/30/2013
Bryan Myers, West Des Moines	05/01/2010 – 04/30/2013

## IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD (Sec. 68B.32)

Carole Tillotson, Windsor Heights	05/01/2010 – 04/30/2016
John Walsh, Dubuque	05/01/2010 – 04/30/2016

## GENERATION IOWA COMMISSION (Sec. 15.421)

Erik Christian, Story City	03/01/2010 – 04/30/2011
Christine Ralston, Iowa City	05/01/2010 – 04/30/2013
Maura Walsh, Des Moines	05/01/2010 – 04/30/2013
Khara Washington, Davenport	05/01/2010 – 04/30/2013

## IOWA GRAIN INDEMNITY FUND BOARD (Sec. 203D.4)

Joseph Sinclair, Melrose	05/01/2010 – 04/30/2013
Curtis Sindergard, Rolfe	05/01/2010 – 04/30/2013

## IOWA GREAT PLACES BOARD (Sec. 303.3C(2a))

Robin Anderson, Mason City	05/01/2010 – 04/30/2013
Samantha Erickson, Pleasant Hill	05/01/2010 – 04/30/2013
Mark Ginsberg, Iowa City	05/01/2010 – 04/30/2013
Theresa Lynch, Marion	05/01/2010 – 04/30/2013

## HEALTHY AND WELL KIDS IN IOWA (HAWK-I) BOARD (Sec. 514I.5)

Kimberly Carson, Des Moines	05/01/2010 – 04/30/2012
Joseph Hutter, Bettendorf	05/01/2010 – 04/30/2012

## BOARD OF HEARING AID DISPENSERS (Sec. 154A.2-3)

Stanley Haugland, Windsor Heights	05/01/2010 – 04/30/2013
Gregory Moore, Ottumwa	05/01/2010 – 04/30/2013

## IOWA HIGHER EDUCATION LOAN AUTHORITY (Sec. 261A.6)

Stephanie Savage, Dubuque	05/01/2010 – 04/30/2016
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## COMMISSION ON THE STATUS OF IOWANS OF ASIAN AND PACIFIC ISLANDER HERITAGE (Sec. 216A.152)

Christopher Keahi, Waukee	05/01/2010 – 04/30/2014
George Youi Sayavong, Sioux City	05/01/2010 – 04/30/2014
Donechanh Southammavong, Urbandale	05/01/2010 – 04/30/2014

## INTERIOR DESIGN EXAMINING BOARD (Sec. 544C.2)

Michele Rosenboom, Orange City	05/01/2010 – 04/30/2013
H. Scott Sankey, Ankeny	05/01/2010 – 04/30/2013

## INVESTMENT BOARD OF THE IPERS (Sec. 97B.8A)

Phyllis Peterson, Cedar Rapids	05/01/2010 – 04/30/2016
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## IOWA JOBS BOARD (Sec. 16.191)

Kate Gronstal, Council Bluffs	05/01/2010 – 04/30/2013
Toi Sullivan, Sioux City	05/01/2010 – 04/30/2013

## LANDSCAPE ARCHITECTURAL EXAMINING BOARD (Sec. 544B.3)

Christopher Seeger, Boone	05/01/2010 – 04/30/2013
Maryjo Welch, Clive	05/01/2010 – 04/30/2013

## IOWA LAW ENFORCEMENT ACADEMY COUNCIL (Sec. 80B.6)

Patrick Jackson, Burlington	05/01/2010 – 04/30/2014
Ricardo Martinez II, Nevada	05/01/2010 – 04/30/2014

## IOWA LOTTERY AUTHORITY BOARD OF DIRECTORS (Sec. 99G.8)

Michael Klappholz, Cedar Rapids	05/01/2010 – 04/30/2014
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## DIRECTOR OF THE DEPARTMENT OF MANAGEMENT (Sec. 8.4)

Richard Oshlo, Jr., Des Moines	02/05/2010 – Pleasure of the Governor
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## BOARD OF MASSAGE THERAPY (Sec. 147.14(1)(q))

Mary Belieu, Bondurant	05/01/2010 – 04/30/2013
Doug Carlson, Cedar Rapids	05/01/2010 – 04/30/2013
Luella Rodemeyer, Hampton	05/01/2010 – 04/30/2013

## BOARD OF MEDICINE (Sec. 147.14(1)(b))

Tom Drew, Des Moines	05/01/2010 – 04/30/2013
Jeffrey Snyder, Crescent	05/01/2010 – 04/30/2013
Colleen Stockdale, Muscatine	05/01/2010 – 04/30/2013
Joyce Vista-Wayne, Ottumwa	05/01/2010 – 04/30/2013



MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES  
AND BRAIN INJURY COMMISSION (Sec. 225C.5(1))

Lynn Crannell, Slater	05/01/2010 – 04/30/2013
Richard Crouch, Malvern	05/01/2010 – 04/30/2013
Richard Heitmann, Manchester	05/01/2010 – 04/30/2013
Jacobus Lempers, Ames	05/01/2010 – 04/30/2013
Raymond Todd, Cedar Rapids	05/01/2010 – 04/30/2013
Gano Whetstone, Des Moines	05/01/2010 – 04/30/2013

MENTAL HEALTH RISK POOL BOARD (Sec. 426B.5(2))

Wayne Clinton, Ames	05/01/2010 – 04/30/2013
Marjorie Pitts, Spencer	05/01/2010 – 04/30/2013
Peggy Rice, Dakota City	03/01/2010 – 04/30/2011

BOARD OF MORTUARY SCIENCE (Sec. 147.14(1)(p))

Barbara Teahen, Cedar Rapids	05/01/2010 – 04/30/2013
LuJean Welander, Kingsley	05/01/2010 – 04/30/2013

COMMISSION ON NATIVE AMERICAN AFFAIRS (Sec. 216A.162)

Thomas Cornwell, West Branch	03/01/2010 – 04/30/2013
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BOARD OF NURSING (Sec. 147.14(1)(c))

Clyde Bradley, Clinton	05/01/2010 – 04/30/2013
Jane Hasek, Reinbeck	05/01/2010 – 04/30/2013
Mark Hilliard, Johnston	05/01/2010 – 04/30/2013
Leslie Lewis, Denison	03/01/2010 – 04/30/2011

BOARD OF NURSING HOME ADMINISTRATORS (Sec. 155.2)

Jeannine Bunge, Hartley	03/01/2010 – 04/30/2010
Jeannine Bunge, Hartley	05/01/2010 – 04/30/2013
Thomas Kenefick, Iowa City	05/01/2010 – 04/30/2013

BOARD OF OPTOMETRY (Sec. 147.14(1)(f))

Charles Follett, Clive	05/01/2010 – 04/30/2013
Sharon Tharp, Sioux City	05/01/2010 – 04/30/2013

CHAIR OF THE BOARD OF PAROLE (Sec. 904A.1)

Elizabeth Robinson, Des Moines	05/01/2010 – Pleasure of the Governor
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BOARD OF PAROLE (Sec. 904A.1)

Elizabeth Robinson, Des Moines	05/01/2010 – 04/30/2014
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PEACE OFFICER'S RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM  
TRUSTEE (Sec. 97A.5)

Chris Mayer, Waukee	05/01/2010 – 04/30/2012
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BOARD OF PHARMACY (Sec. 147.14(1)(e))

DeeAnn Wedemeyer-Oleson, Guthrie Center	05/01/2010 – 04/30/2013
Margaret "Peggy" Whitworth, Cedar Rapids	05/01/2010 – 04/30/2013

BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY (Sec. 147.14(1)(j))

Denise Behrends, West Des Moines	05/01/2010 – 04/30/2013
Todd Bradley, Oelwein	05/01/2010 – 04/30/2013
Erin Hytrek, Merville	05/01/2010 – 04/30/2013

## BOARD OF PHYSICIAN ASSISTANTS (Sec. 147.14(1)(l))

Theresa Hegmann, West Branch	05/01/2010 – 04/30/2013
Susan Koehler, Ames	05/01/2010 – 04/30/2013
Joseph Molnar, Charles City	05/01/2010 – 04/30/2013
Ted Smith, Mount Pleasant	05/01/2010 – 04/30/2013

## PLUMBING AND MECHANICAL SYSTEMS EXAMINING BOARD (Sec. 105.3)

Jane Hagedorn, Iowa City	05/01/2010 – 04/30/2013
Charles Thomas, Des Moines	05/01/2010 – 04/30/2013
Brita Van Horne, Cedar Rapids	05/01/2010 – 04/30/2013

## BOARD OF PODIATRY (Sec. 147.14(1)(s))

Eric Barp, Johnston	05/01/2010 – 04/30/2013
Gregory Lantz, Cedar Falls	05/01/2010 – 04/30/2013
Denise Mandi, Winterset	05/01/2010 – 04/30/2013

## IOWA POWER FUND BOARD (Sec. 469.6)

John Bilsten, Algona	05/01/2010 – 04/30/2013
Fred Hubbell, Des Moines	05/01/2010 – 04/30/2013

## BOARD OF PSYCHOLOGY (Sec. 147.14(1)(g))

Eugene Glass, Carroll	03/01/2010 – 04/30/2011
Mary Johnson, Dubuque	05/01/2010 – 04/30/2013
James Moody, Ames	05/01/2010 – 04/30/2013

## CHAIR OF THE PUBLIC EMPLOYMENT RELATIONS BOARD (Sec. 20.5)

James Riordan, West Des Moines	05/01/2010 – 04/30/2014
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## ADMINISTRATOR OF THE STATE RACING AND GAMING COMMISSION (Sec. 99D.6)

Jack P. Ketterer, Altoona	05/01/2010 – 04/30/2014
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## STATE RACING AND GAMING COMMISSION (Sec. 99D.5)

Gregory Seyfer, Cedar Rapids	05/01/2010 – 04/30/2013
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## REAL ESTATE APPRAISER EXAMINING BOARD (Sec. 543D.4)

James Kesterson, Fort Dodge	05/01/2010 – 04/30/2013
Gregory Morehead, Albia	05/01/2010 – 04/30/2013

## REAL ESTATE COMMISSION (Sec. 543B.8)

Judith Stevens, Cedar Rapids	05/01/2010 – 04/30/2013
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## RENEWABLE FUEL INFRASTRUCTURE BOARD (Sec. 15G.202)

Diane Dennler, Mason City	05/01/2010 – 04/30/2015
Cindi Grover, Elma	05/01/2010 – 04/30/2015
K. Alan Hillgren, Stuart	05/01/2010 – 04/30/2015
Jeff Hove, Altoona	05/01/2010 – 04/30/2015

## BOARD OF RESPIRATORY CARE (Sec. 147.14(1)(o))

Kerry George, Ankeny	05/01/2010 – 04/30/2013
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## DIRECTOR OF REVENUE (Sec. 421.2)

Mark Schuling, Des Moines

12/15/2009 – Pleasure of the Governor

## SCHOOL BUDGET REVIEW COMMITTEE (Sec. 257.30)

Connie Maxson, Creston

03/01/2010 – 04/30/2013

Leland Tack, Johnston

05/01/2010 – 04/30/2013

## BOARD OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS

(Sec. 147.14(1)(u))

Judy Gouldsmith, Council Bluffs

05/01/2010 – 04/30/2013

David Theobald, Dubuque

05/01/2010 – 04/30/2013

## BOARD OF SOCIAL WORK (Sec. 147.14(1)(t))

Beth Harms, Sioux City

05/01/2010 – 04/30/2013

Katinka Keith, Waterloo

05/01/2010 – 04/30/2013

Krista Mattson, Des Moines

03/01/2010 – 04/30/2013

David Stone, Des Moines

03/16/2010 – 04/30/2011

## STATE SOIL CONSERVATION COMMITTEE (Sec. 161A.4)

Jody Kerns, Edgewood

05/01/2010 – 04/30/2016

## BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY (Sec. 147.14(1)(i))

Jason Aird, Iowa City

05/01/2010 – 04/30/2013

Coral Jud, Knierim

05/01/2010 – 04/30/2013

## TECHNOLOGY GOVERNANCE BOARD (Sec. 8A.204)

Atul Gupta, Grimes

05/01/2010 – 04/30/2012

## IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION (Sec. 8D.3)

Pamela Duffy, Adel

05/01/2010 – 04/30/2016

## COMMISSION ON TOBACCO USE PREVENTION AND CONTROL (Sec. 142A.3)

Cathryn Callaway, Des Moines

05/01/2010 – 04/30/2013

Gary Streit, Cedar Rapids

05/01/2010 – 04/30/2013

## DIRECTOR OF TRANSPORTATION (Sec. 307.11)

Nancy Richardson, Coralville

10/02/2009 – Pleasure of the Governor

## STATE TRANSPORTATION COMMISSION (Sec. 307.3)

Barry Cleaveland, Council Bluffs

05/01/2010 – 04/30/2014

Donald Wiley, Mt. Pleasant

05/01/2010 – 04/30/2014

## EXECUTIVE DIRECTOR OF THE COMMISSION OF VETERANS AFFAIRS

(Sec. 35A.8)

Patrick Palmersheim, West Des Moines

05/01/2010 – Pleasure of the Governor

## COMMISSION OF VETERANS AFFAIRS (Sec. 35A.2)

Becky Dirks Haugsted, Anamosa

05/01/2010 – 04/30/2014

Todd Jacobus, Des Moines

05/01/2010 – 04/30/2014

Darlene McMartin, Hancock

05/01/2010 – 04/30/2014

IOWA BOARD OF VETERINARY MEDICINE (Sec. 169.5)	
Dean Upton, Des Moines	05/01/2010 – 04/30/2013
VISION IOWA BOARD (Sec. 15F.102)	
Fred Diehl, Osceola	05/01/2010 – 04/30/2013
Marilyn Monroe, Johnston	05/01/2010 – 04/30/2013
COMMISSION ON THE STATUS OF WOMEN (Sec. 216A.52)	
Joan Axel, Muscatine	05/01/2010 – 04/30/2014
Thomas Carnahan, Davenport	05/01/2010 – 04/30/2014
Jill Olsen, Mt. Vernon	05/01/2010 – 04/30/2014
Phyllis Peters, Ames	05/01/2010 – 04/30/2014
John Quinn, Urbandale	03/01/2010 – 04/30/2012
IOWA WORKFORCE DEVELOPMENT BOARD (Sec. 84A.1A)	
Kenneth Anderson, Marshalltown	05/01/2010 – 04/30/2014
Sarah Falb, West Union	05/01/2010 – 04/30/2014
Deborah Groene, Des Moines	05/01/2010 – 04/30/2014

The appointments were referred to the committee on **Rules and Administration**.

## REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on March 3, 2010:

### AGRICULTURE

Cheryl Adam – Agricultural Development Authority  
 Lisa Irlbeck – Agricultural Development Authority  
 Jayme Ungs – Agricultural Development Authority

Joseph Sinclair – Iowa Grain Indemnity Fund Board  
 Curtis Sindergard – Iowa Grain Indemnity Fund Board

Jody Kerns – State Soil Conservation Committee

### COMMERCE

Paul Becker – Credit Union Review Board  
 Jeffrey Hayes – Credit Union Review Board  
 Michaela “Shelley” Parbs – Credit Union Review Board

Pamela Duffy – Iowa Telecommunications and Technology Commission

**ECONOMIC GROWTH**

George “Curtis” Baugh – Iowa Economic Development Board  
David Bernstein – Iowa Economic Development Board  
John Bickel – Iowa Economic Development Board  
Jerry Courtney – Iowa Economic Development Board  
Nancy Dunkel – Iowa Economic Development Board  
Rebecca Greenwald – Iowa Economic Development Board  
Sue Jarboe – Iowa Economic Development Board  
John Lisle – Iowa Economic Development Board  
Ruth MacDonald – Iowa Economic Development Board  
Andrea McGuire – Iowa Economic Development Board  
Robert Riley, Jr. – Iowa Economic Development Board  
Marcia Rogers – Iowa Economic Development Board  
Toby Shine – Iowa Economic Development Board  
Daniel White – Iowa Economic Development Board

Robin Anderson – Iowa Great Places Board  
Samantha Erickson – Iowa Great Places Board  
Mark Ginsberg – Iowa Great Places Board  
Theresa Lynch – Iowa Great Places Board

Kate Gronstal – Iowa Jobs Board  
Toi Sullivan – Iowa Jobs Board

John Bilsten – Iowa Power Fund Board  
Fred Hubbell – Iowa Power Fund Board

**EDUCATION**

Karn Johansen (Palmer) – Iowa Autism Council  
Susan Smith – Iowa Autism Council  
Charles Wadle – Iowa Autism Council  
Patrick Westhoff – Iowa Autism Council

Rosemarie Hussey – State Board of Education

Tammy Duehr – Board of Educational Examiners  
Laura Stevens – Board of Educational Examiners

Alice Atkinson – Iowa Empowerment Board  
Jerome Mohr – Iowa Empowerment Board  
Sara Monroy-Huddleston – Iowa Empowerment Board  
John White – Iowa Empowerment Board

Stephanie Savage – Iowa Higher Education Loan Authority

Connie Maxson – School Budget Review Committee  
Leland Tack – School Budget Review Committee

Atul Gupta – Technology Governance Board

## ENVIRONMENT AND ENERGY INDEPENDENCE

Diane Dennler – Renewable Fuel Infrastructure Board  
 Cindi Grover – Renewable Fuel Infrastructure Board  
 K. Alan Hillgren – Renewable Fuel Infrastructure Board  
 Jeff Hove – Renewable Fuel Infrastructure Board

## HUMAN RESOURCES

Troy Kleese – Board of Athletic Training  
 Shaun McCarthy – Board of Athletic Training

Kenneth Fann – Board of Behavioral Science  
 Megan Murphy – Board of Behavioral Science

Gerald Magee – Child Advocacy Board  
 Roberta Payne – Child Advocacy Board  
 Michael Steele – Child Advocacy Board  
 NancyLee Ziese – Child Advocacy Board

Jerry Foxhoven – Child Welfare Advisory Committee  
 Nancy Magnall – Child Welfare Advisory Committee

Claibourne Dungy – Prevention of Disabilities Policy Council  
 Scott Lindgren – Prevention of Disabilities Policy Council  
 Maggie Tinsman – Prevention of Disabilities Policy Council

Kimberly Carson – Healthy and Well Kids In Iowa (HAWK-I) Board  
 Joseph Hutter – Healthy and Well Kids In Iowa (HAWK-I) Board

Lynn Crannell – Mental Health, Mental Retardation, Developmental Disabilities and Brain Injury Commission

Richard Crouch – Mental Health, Mental Retardation, Developmental Disabilities and Brain Injury Commission

Richard Heitmann – Mental Health, Mental Retardation, Developmental Disabilities and Brain Injury Commission

Jacobus Lempers – Mental Health, Mental Retardation, Developmental Disabilities and Brain Injury Commission

Raymond Todd – Mental Health, Mental Retardation, Developmental Disabilities and Brain Injury Commission

Gano Whetstone – Mental Health, Mental Retardation, Developmental Disabilities and Brain Injury Commission

Judy Gouldsmith – Board of Sign Language Interpreters and Translitterators  
 David Theobald – Board of Sign Language Interpreters and Translitterators

Cathryn Callaway – Commission on Tobacco Use Prevention and Control  
 Gary Streit – Commission on Tobacco Use Prevention and Control

## JUDICIARY

Sheryl Griffith – Board of Corrections

Thomas Ferguson – Criminal and Juvenile Justice Planning Advisory Council

Paul Fitzgerald – Criminal and Juvenile Justice Planning Advisory Council

Michelle Leonard – Criminal and Juvenile Justice Planning Advisory Council

Catherine Reaman-Gerdes – Criminal and Juvenile Justice Planning Advisory Council

John Spinks – Criminal and Juvenile Justice Planning Advisory Council

Thomas Walton – Criminal and Juvenile Justice Planning Advisory Council

Jennifer Davis – Iowa Drug Policy Advisory Council

Eric Snyder – Iowa Drug Policy Advisory Council

Brian Vos – Iowa Drug Policy Advisory Council

Patrick Jackson – Iowa Law Enforcement Academy Council

Ricardo Martinez II – Iowa Law Enforcement Academy Council

Elizabeth Robinson – Chair of the Board of Parole

Elizabeth Robinson – Board of Parole

## LABOR AND BUSINESS RELATIONS

John Peno – Employment Appeal Board

Jane Hagedorn – Plumbing and Mechanical Systems Examining Board

Charles Thomas – Plumbing and Mechanical Systems Examining Board

Brita Van Horne – Plumbing and Mechanical Systems Examining Board

James Riordan – Chair of the Public Employment Relations Board

Kenneth Anderson – Iowa Workforce Development Board

Sarah Falb – Iowa Workforce Development Board

Deborah Groene – Iowa Workforce Development Board

## LOCAL GOVERNMENT

Dennis Plautz – City Development Board

Wayne Clinton – Mental Health Risk Pool Board

Marjorie Pitts – Mental Health Risk Pool Board

Peggy Rice – Mental Health Risk Pool Board

## STATE GOVERNMENT

Mary Schramm – Accountancy Examining Board

Carol Schuster – Accountancy Examining Board

Donald Timmins – Accountancy Examining Board

Redmond Jones II – Commission on the Status of African-Americans

Claire Celsi – Alcoholic Beverages Commission

Stephen Larson – Administrator of the Alcoholic Beverages Division

Saleem Baig – Architectural Examining Board  
Susan Bowersox – Architectural Examining Board

Charles Wubbena – Board of Barbering

Michael Hoenig – Commission for the Blind

Thomas Dye – Boiler and Pressure Vessel Board  
Joseph Rodenkirk – Boiler and Pressure Vessel Board  
Lynne Rush – Boiler and Pressure Vessel Board

Bradley Brown – Board of Chiropractic  
Leslie Duinink – Board of Chiropractic

Joyce Hoepker – Commission on Community Action Agencies  
G. Kevin Middleswart – Commission on Community Action Agencies  
Robert Tyson – Commission on Community Action Agencies

Richard Sheriff – Board of Cosmetology Arts And Sciences

Mary Kelly – Board of Trustees of the Iowa Cultural Trust  
Henry Neuman – Board of Trustees of the Iowa Cultural Trust

James Snyder – Commission on the Deaf  
Robert Vizzini – Commission on the Deaf

Steven Bradley – Board of Dentistry  
Lynn Curry – Board of Dentistry  
Michael Rovner – Board of Dentistry  
Kimberlee Spillers – Board of Dentistry

Janet Johnson – Board of Dietetics

Russell Allen – Elevator Safety Board  
Todd Christensen – Elevator Safety Board  
Peter Fromm – Elevator Safety Board  
Marvin Schumacher – Elevator Safety Board

Robert Dougherty – Iowa Emergency Response Commission

Craig Johnstone – Engineering and Land Surveying Examining Board  
Bryan Myers – Engineering and Land Surveying Examining Board

Carole Tillotson – Iowa Ethics and Campaign Disclosure Board  
John Walsh – Iowa Ethics and Campaign Disclosure Board

Erik Christian – Generation Iowa Commission  
Christine Ralston – Generation Iowa Commission  
Maura Walsh – Generation Iowa Commission  
Khara Washington – Generation Iowa Commission



Stanley Haugland – Board of Hearing Aid Dispensers  
Gregory Moore – Board of Hearing Aid Dispensers

Michele Rosenboom – Interior Design Examining Board  
H. Scott Sankey – Interior Design Examining Board

Christopher Keahi – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

George Youi Sayavong – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Donechanh Southammavong – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Phyllis Peterson – Investment Board of the IPERS

Christopher Seeger – Landscape Architectural Examining Board  
Maryjo Welch – Landscape Architectural Examining Board

Michael Klappholz – Iowa Lottery Authority Board of Directors

Richard Oshlo, Jr. – Director of the Department of Management

Mary Belieu – Board of Massage Therapy  
Doug Carlson – Board of Massage Therapy  
Luella Rodemeyer – Board of Massage Therapy

Tom Drew – Board of Medicine  
Jeffrey Snyder – Board of Medicine  
Colleen Stockdale – Board of Medicine  
Joyce Vista-Wayne – Board of Medicine

Barbara Teahen – Board of Mortuary Science  
LuJean Welander – Board of Mortuary Science

Thomas Cornwell – Commission on Native American Affairs

Clyde Bradley – Board of Nursing  
Jane Hasek – Board of Nursing  
Mark Hilliard – Board of Nursing  
Leslie Lewis – Board of Nursing

Jeannine Bunge – Board of Nursing Home Administrators  
Thomas Kenefick – Board of Nursing Home Administrators

Charles Follett – Board of Optometry  
Sharon Tharp – Board of Optometry

Chris Mayer – Peace Officer's Retirement, Accident, and Disability System Trustee

DeeAnn Wedemeyer-Oleson – Board of Pharmacy  
Margaret "Peggy" Whitworth – Board of Pharmacy

Denise Behrends – Board of Physical and Occupational Therapy  
Todd Bradley – Board of Physical and Occupational Therapy  
Erin Hytrek – Board of Physical and Occupational Therapy

Theresa Hegmann – Board of Physician Assistants  
Susan Koehler – Board of Physician Assistants  
Joseph Molnar – Board of Physician Assistants  
Ted Smith – Board of Physician Assistants

Eric Barp – Board of Podiatry  
Gregory Lantz – Board of Podiatry  
Denise Mandi – Board of Podiatry

Eugene Glass – Board of Psychology  
Mary Johnson – Board of Psychology  
James Moody – Board of Psychology

Jack P. Ketterer – Administrator of the State Racing and Gaming Commission

Gregory Seyfer – State Racing and Gaming Commission

James Kesterson – Real Estate Appraiser Examining Board  
Gregory Morehead – Real Estate Appraiser Examining Board

Judith Stevens – Real Estate Commission

Kerry George – Board of Respiratory Care

Beth Harms – Board of Social Work  
Katinka Keith – Board of Social Work  
Krista Mattson – Board of Social Work  
David Stone – Board of Social Work

Jason Aird – Board of Speech Pathology and Audiology  
Coral Jud – Board of Speech Pathology and Audiology

Dean Upton – Iowa Board of Veterinary Medicine

Fred Diehl – Vision Iowa Board  
Marilyn Monroe – Vision Iowa Board

Joan Axel – Commission on the Status Of Women  
Thomas Carnahan – Commission on the Status Of Women  
Jill Olsen – Commission on the Status Of Women  
Phyllis Peters – Commission on the Status Of Women  
John Quinn – Commission on the Status Of Women

**TRANSPORTATION**

Nancy Richardson – Director of Transportation

Barry Cleaveland – State Transportation Commission

Donald Wiley – State Transportation Commission

**VETERANS AFFAIRS**

Patrick Palmersheim – Executive Director of the Commission of Veterans Affairs

Becky Dirks Haugsted – Commission of Veterans Affairs

Todd Jacobus – Commission of Veterans Affairs

Darlene McMartin – Commission of Veterans Affairs

**WAYS AND MEANS**

Mark Schuling – Director of Revenue

**GOVERNOR'S DEFERRAL LETTERS**

The following letters from the Governor were received in the office of the Secretary of the Senate on March 01, 2010:

Pursuant to Iowa Code section 216A.2, please accept this letter as the notice of deferred appointment of the Administration of the Division on the Status of African-Americans in the Iowa Department of Human rights. This appointment has been deferred due to current legislation, SF 2088, that, if signed into law, will reorganize the Department and change these positions. Upon the conclusion of the legislative process regarding the bill, we will make a determination as to the legal necessity of making this appointment.

Pursuant to Iowa Code section 216A.142, please accept this letter as the notice of deferment of the appointment to the Commission on the Status of African-Americans, formerly held by Michael Blackwell. This appointment has been deferred due to current legislation, SF 2088, that, if signed into law, will alter the membership of the Commission. Upon the conclusion of the legislative process regarding this bill, we will make a determination as to the legal necessity of making these appointments.

Pursuant to Iowa Code section 216A.142, please accept this letter as the notice of deferment of the appointment to the Commission on the Status of African-Americans, formerly held by Charles Clayton. This appointment has been deferred due to current legislation, SF 2088, that, if signed into law, will alter the membership of the Commission. Upon the conclusion of the legislative process regarding this bill, we will make a determination as to the legal necessity of making these appointments.

Pursuant to Iowa Code section 147.14(1)(r), please accept this letter as the notice of deferment of the appointment to the Board of Athletic Training, formerly held by Daniel McGuire. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 147.14(1)(m), please accept this letter as the notice of deferment of the appointment to the Board of Behavioral Science, formerly held by Brenda Langstraat-Janisch. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15E.63, please accept this letter as the notice of deferment of the appointment to the Iowa Capital Investment Board, formerly held by Eugene Blanshan. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 234.3, please accept this letter as the notice of deferment of the appointments to the Child Welfare Advisory Committee requiring action this legislative session. These appointments have been deferred due to current legislation, SF 2088, that, if signed into law, will change the appointing authority for the Committee. Upon the conclusion of the legislative process regarding this bill, we will make a determination as to the legal necessity of making these appointments.

Pursuant to Iowa Code section 216A.132, please accept this letter as the notice of deferment of the appointment to the Criminal and Juvenile Justice Planning Advisory Council, formerly held by David Moskowitz. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 216A.2, please accept this letter as the notice of deferred appointment of the Administrator of the Division of Deaf Services in the Iowa Department of Human rights. This appointment has been deferred due to current legislation, SF 2088, that, if signed into law, will reorganize the Department and change these positions. Upon the conclusion of the legislative process regarding the bill, we will make a determination as to the legal necessity of making this appointment.

Pursuant to Iowa Code section 216A.2, please accept this letter as the notice of deferred appointment of the Administrator of the Division of Persons with Disabilities in the Iowa Department of Human rights. This appointment has been deferred due to current legislation, SF 2088, that, if signed into law, will reorganize the Department and change these positions. Upon the conclusion of the legislative process regarding the bill, we will make a determination as to the legal necessity of making this appointment.

Pursuant to Iowa Code section 15.103, please accept this letter as the notice of deferment of the appointment to the Iowa Economic Development Board, formerly held by Joni Boone. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 256.3, please accept this letter as the notice of deferment of the appointment to the State Board of Education, formerly held by Wayne Kobberdahl. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 103.2, please accept this letter as the notice of deferment of the appointments to the Electrical Examining Board requiring action this legislative session. These appointments have been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate individuals to be nominated for these positions.

Pursuant to Iowa Code section 89A.13, please accept this letter as the notice of deferment of the appointment to the Elevator Safety Board, formerly held by Rita Conner. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15.421, please accept this letter as the notice of deferment of the appointment to the Generation Iowa Commission, formerly held by Kyle Carlson. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15.421, please accept this letter as the notice of deferment of the appointment to the Generation Iowa Commission, formerly held by Jesse Harris. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 8A.221, please accept this letter as the notice of deferment of the appointments to the Iowa Access Advisory Council requiring action this legislative session. These appointments have been deferred due to current legislation, SF 2088, that, if signed into law, will eliminate the Council. Upon the conclusion of the legislative process regarding this bill, we will make a determination as to the legal necessity of making these appointments.

Pursuant to Iowa Code section 216A.152, please accept this letter as the notice of deferment of the appointment to the Commission on the Status of Iowans of Asian and Pacific Islander Heritage, formerly held by Vinh Nguyen. This appointment has been deferred due to current legislation, SF 2088, that, if signed into law, will alter the membership of the Commission. Upon the conclusion of the legislative process regarding this bill, we will make a determination as to the legal necessity of making these appointments.

Pursuant to Iowa Code section 216A.152, please accept this letter as the notice of deferment of the appointment to the Commission on the Status of Iowans of Asian and Pacific Islander Heritage, formerly held by Frank Osako. This appointment has been deferred due to current legislation, SF 2088, that, if signed into law, will alter the membership of the Commission. Upon the conclusion of the legislative process regarding this bill, we will make a determination as to the legal necessity of making these appointments.

Pursuant to Iowa Code section 216A.2, please accept this letter as the notice of deferred appointment of the Administrator of the Division of Latino Affairs in the Iowa Department of Human rights. This appointment has been deferred due to current legislation, SF 2088, that, if signed into law, will reorganize the Department and change these positions. Upon the conclusion of the legislative process regarding the bill, we will make a determination as to the legal necessity of making this appointment.

Pursuant to Iowa Code section 99G.8, please accept this letter as the notice of deferment of the appointment to the Iowa Lottery Authority Board of Directors, formerly held by Mary Junge. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 155.2, please accept this letter as the notice of deferment of the appointment to the Board of Nursing Home Administrators, formerly held by Dan Larmore. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 904A.1, please accept this letter as the notice of deferment of the appointment to the Board of Parole, formerly held by Karen Muelhaupt. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 455G.4 Amended, please accept this letter as the notice of deferment of the appointment to the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board, formerly held by Jacqueline Johnson. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 159A.4, please accept this letter as the notice of deferment of the appointments to the Renewable Fuels and Coproducts Advisory Committee requiring action this legislative session. These appointments have been deferred due to current legislation, SF 2088, that, if signed into law, will eliminate the Committee. Upon the conclusion of the legislative process regarding this bill, we will make a determination as to the legal necessity of making these appointments.

Pursuant to Iowa Code section 15G.202, please accept this letter as the notice of deferment of the appointment to the Renewable Fuel Infrastructure Board, formerly held by Brenda Neville. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 15.108(7)(h)(1), please accept this letter as the notice of deferment of the appointments to the Small Business Advisory Council requiring action this legislative session. These appointments have been deferred due to current legislation, SF 2088, that, if signed into law, will eliminate the Council. Upon the conclusion of the legislative process regarding this bill, we will make a determination as to the legal necessity of making these appointments.

Pursuant to Iowa Code section 142A.3, please accept this letter as the notice of deferment of the appointment to the Commission on Tobacco Use Prevention and Control, formerly held by Andrea Coziar. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 35D.13, please accept this letter as the notice of deferred appointment of the Commandant of the Iowa Veterans Home. This Administration is in the final selection process which will result in determining the most appropriate person to nominate for this position. Further correspondence will be provided when an appointment is complete.

Pursuant to Iowa Code section 15F.102, please accept this letter as the notice of deferment of the appointment to the Vision Iowa Board, formerly held by Terry Lutz. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Pursuant to Iowa Code section 216A.52, please accept this letter as the notice of deferment of the appointment to the Commission on the Status of Women, formerly held by Matthew Wissing. This appointment has been deferred due to current legislation, SF 2088, that, if signed into law, will alter the membership of the Commission. Upon the conclusion of the legislative process regarding this bill, we will make a determination as to the legal necessity of making these appointments.

Pursuant to Iowa Code section 84A.1A, please accept this letter as the notice of deferment of the appointment to the Iowa Workforce Development Board, formerly held by Roger Grobstich. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Sincerely,  
CHESTER J. CULVER  
Governor

## AMENDMENTS FILED

S-5183	S.F.	2348	Swati A. Dandekar
S-5184	H.F.	2496	Environment and Energy Independence



# JOURNAL OF THE SENATE

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FIFTY-THIRD CALENDAR DAY  
THIRTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 4, 2010

The Senate met in regular session at 8:53 a.m., President Kibbie presiding.

Prayer was offered by Father Larry McCarty, retired priest of St. Mary's Catholic Church in Sac City, Iowa. He was the guest of Senator Beall.

The Journal of Wednesday, March 3, 2010, was approved.

## SPECIAL GUESTS

Senator McKinley welcomed to the Senate chamber Queen Heidi Schulte and representatives from Pella's Seventy-fifth Annual Tulip Time Festival.

Queen Schulte and her court appeared before the rostrum. Queen Schulte introduced the following members of her court: Sara Van Gorp, Morgan Anderson, Courtney Kelderman, and Bekah Posthuma.

Queen Schulte presented President Kibbie with a kiss and a package of the famous Pella Dutch pastries and invited the Senate to attend the Tulip Time Festival in Pella on May 6, 7, and 8, 2010.

The Queen, her attendants, and their parents distributed pastries to the senators and staff.

## BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Gronstal asked and received unanimous consent that the following bills be placed on the Unfinished Business Calendar:

SF 2370  
SF 2096

SF 2309  
SF 2311

## BILLS REFERRED TO COMMITTEE

Senator Gronstal asked and received unanimous consent that the following bills on the Regular Calendar be referred to the following committees:

SF 2072	Judiciary
SF 2145	Transportation
SF 2184	Economic Growth
SF 2198	Judiciary
SF 2214	State Government
SF 2253	Judiciary
SF 2285	Labor and Business Relations
SF 2287	Education
SF 2293	Judiciary
SF 2301	Judiciary
SF 2307	Judiciary
SF 2308	Judiciary
SF 2312	State Government
SF 2322	State Government
SF 2327	Local Government
SF 2330	Local Government
SF 2337	Labor and Business Relations
SF 2338	Judiciary
SF 2339	Commerce
SF 2347	Commerce
SF 2359	Agriculture
SF 2361	Judiciary

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:10 a.m. until 1:30 p.m., Monday, March 8, 2010.

## APPENDIX

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Father Larry McCarty, Sioux City Diocese—In appreciation for leading the Iowa Senate in prayer as Pastor of the Day. Senator Beall (3/4/10).

### REPORTS OF COMMITTEE MEETINGS

#### COMMERCE

**Convened:** Thursday, March 4, 2010, 10:50 a.m.

**Members Present:** Warnstadt, Chair; Heckroth, Vice Chair; Wieck, Ranking Member; Behn, Bolcom, Dandekar, Hartsuch, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward.

**Members Absent:** Courtney (excused).

**Committee Business:** Passed HF 2229.

**Adjourned:** 11:05 a.m.

#### ECONOMIC GROWTH

**Convened:** Thursday, March 4, 2010, 1:10 p.m.

**Members Present:** Stewart, Chair; Houser, Ranking Member; Beall, Dandekar, Dotzler, Hamerlinck, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, and Wilhelm.

**Members Absent:** Olive, Vice Chair; Hatch and Wieck (all excused).

**Committee Business:** Passed HF 2460.

**Adjourned:** 1:15 p.m.

#### JUDICIARY

**Convened:** Thursday, March 4, 2010, 12:10 p.m.

**Members Present:** Kreiman, Chair; Hogg, Vice Chair; Kettering, Ranking Member; Boettger, Hancock, Horn, Jochum, Noble, Quirnbach, Soddors, Ward, Warnstadt, and Zaun.

**Members Absent:** Fraise and Schoenjahn (both excused).

**Committee Business:** Passed HFs 674, 713, 2307, 2438, 2453, 2473, 2478, and 2495.

**Adjourned:** 12:55 p.m.

## WAYS AND MEANS

**Convened:** Thursday, March 4, 2010, 9:45 a.m.

**Members Present:** Bolkcom, Chair; McCoy, Vice Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

**Members Absent:** None.

**Committee Business:** Approved SSBs 3224, 3226, and 3234.

**Adjourned:** 10:45 a.m.

## INTRODUCTION OF BILLS

**Senate File 2371**, by committee on Ways and Means, a bill for an act relating to royalty fees for removal of sand and gravel from state-owned lands and waters located on the Cedar river in certain counties and including effective date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

**Senate File 2372**, by committee on Ways and Means, a bill for an act relating to enhanced 911 emergency telephone systems and information required for inclusion in an enhanced 911 service plan.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

**Senate File 2373**, by committee on Ways and Means, a bill for an act relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

## STUDY BILL RECEIVED

**SSB 3246 Appropriations**

Relating to the state expenditure limitations and related state budget requirements, making transfers and revising appropriations, and including applicability provisions.

## SUBCOMMITTEE ASSIGNMENT

**SSB 3246**

APPROPRIATIONS: Dvorsky, Chair; and Kettering

## FINAL COMMITTEE REPORTS OF BILL ACTION

**COMMERCE**

**Bill Title:** HOUSE FILE 2229 (formerly HF 2034), a bill for an act prohibiting the imposition by a dental plan of fee schedules for the provision of dental services that are not covered by the plan.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5185.

**Final Vote:** Ayes, 13: Warnstadt, Heckroth, Wieck, Behn, Bolkcom, Dandekar, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward. Nays, 1: Hartsuch. Absent, 1: Courtney.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ECONOMIC GROWTH**

**Bill Title:** HOUSE FILE 2460 (formerly HF 783), a bill for an act relating to small business and disadvantaged business enterprise contracts with the department of transportation.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Stewart, Houser, Beall, Dandekar, Dotzler, Hamerlinck, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, and Wilhelm. Nays, none. Absent, 3: Olive, Hatch, and Wieck.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**JUDICIARY**

**Bill Title:** HOUSE FILE 713 (HSB 220), a bill for an act creating the uniform child abduction prevention Act.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 13: Kreiman, Hogg, Kettering, Boettger, Hancock, Horn, Jochum, Noble, Quirnbach, Soddors, Ward, Warnstadt, and Zaun. Nays, none. Absent, 2: Fraise and Schoenjahn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** HOUSE FILE 2307 (formerly HF 2024), a bill for an act providing for restitution for Medicaid expenditures.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Kreiman, Hogg, Kettering, Boettger, Hancock, Horn, Jochum, Noble, Quirnbach, Soddors, Ward, Warnstadt, and Zaun. Nays, none. Absent, 2: Fraise and Schoenjahn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** HOUSE FILE 2453 (HSB 639), 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.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Kreiman, Hogg, Kettering, Boettger, Hancock, Horn, Jochum, Noble, Quirnbach, Soddors, Ward, Warnstadt, and Zaun. Nays, none. Absent, 2: Fraise and Schoenjahn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** HOUSE FILE 2473 (formerly HF 2275), a bill for an act relating to criminal offense definitions, penalties, and the forfeiture of an unsecured appearance bond in a criminal proceeding.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 13: Kreiman, Hogg, Kettering, Boettger, Hancock, Horn, Jochum, Noble, Quirnbach, Soddors, Ward, Warnstadt, and Zaun. Nays, none. Absent, 2: Fraise and Schoenjahn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** HOUSE FILE 2478 (HSB 714), a bill for an act relating to business organizations, including limited liability companies and business corporations, and providing for fees.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Kreiman, Hogg, Kettering, Boettger, Hancock, Horn, Jochum, Noble, Quirnbach, Soddors, Ward, Warnstadt, and Zaun. Nays, none. Absent, 2: Fraise and Schoenjahn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** HOUSE FILE 2495 (formerly HF 2126), a bill for an act specifying those authorized to solemnize marriages in this state, and including effective date and future repeal provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Kreiman, Hogg, Kettering, Hancock, Horn, Jochum, Noble, Quirnbach, Ward, and Warnstadt. Nays, 3: Boettger, Soddors, and Zaun. Absent, 2: Fraise and Schoenjahn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## LABOR AND BUSINESS RELATIONS

**Bill Title:** HOUSE FILE 2485 (HSB 726), a bill for an act relating to public employee collective bargaining.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Courtney, Jochum, Ward, Dotzler, Hatch, Horn, Houser, Wieck, and Zaun. Nays, none. Absent, 2: Dearden and Gronstal.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## WAYS AND MEANS

**Bill Title:** \*SENATE FILE 2371 (formerly SF 2336), a bill for an act relating to royalty fees for removal of sand and gravel from state-owned lands and waters located on the Cedar river in certain counties and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 17: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2371, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2372 (SSB 3237), a bill for an act relating to enhanced 911 emergency telephone systems and information required for inclusion in an enhanced 911 service plan.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 16: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, 1: Feenstra. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2372, and they were attached to the committee report.

**ALSO:**

**Bill Title:** SENATE FILE 2373 (SSB 3226), a bill for an act relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 16: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, 1: Hamerlinck. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.



## APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on March 4, 2010, to investigate the appointment and reappointment of the following appointees:

### AGRICULTURE

As members of the Agricultural Development Authority:

CHERYL ADAM – Black, Chair; Rielly and Hahn  
LISA IRLBECK – Kibbie, Chair; Appel and Boettger  
JAYME UNGS – Sodders, Chair; Olive and Behn

As members of the Iowa Grain Indemnity Fund Board:

JOSEPH SINCLAIR – Fraise, Chair; Courtney and Kapucian  
CURTIS SINDERGARD – Hancock, Chair; Seng and Kapucian

As a member of the State Soil Conservation Committee:

JODY KERNS – Black, Chair; Olive and Johnson

### COMMERCE

As members of the Credit Union Review Board:

PAUL BECKER – Bolkcom, Chair; Stewart and Kettering  
JEFFREY HAYES – Bolkcom, Chair; Stewart and Kettering  
MICHAELA “SHELLEY” PARBS – Bolkcom, Chair; Stewart and Kettering

As a member of the Iowa Telecommunications and Technology Commission:

PAMELA DUFFY – Heckroth, Chair; Warnstadt and Ward

### ECONOMIC GROWTH

As members of the Iowa Economic Development Board:

GEORGE “CURTIS” BAUGH – Rielly, Chair; Schmitz and Wieck  
DAVID BERNSTEIN – Beall, Chair; Olive and Wieck  
JOHN BICKEL – Dandekar, Chair; Heckroth and Kapucian  
JERRY COURTNEY – Rielly, Chair; Schmitz and Hamerlinck  
NANCY DUNKEL – Stewart, Chair; Dotzler and Houser  
REBECCA GREENWALD – Heckroth, Chair; Olive and Reynolds  
SUE JARBOE – Wilhelm, Chair; Hatch and Reynolds  
JOHN LISLE – Olive, Chair; Beall and Houser  
RUTH MACDONALD – Olive, Chair; Heckroth and Kapucian  
ANDREA MCGUIRE – Schmitz, Chair; Wilhelm and Hamerlinck

ROBERT RILEY, JR., – Hatch, Chair; Dandekar and Reynolds  
 MARCIA ROGERS – Dandekar, Chair; Dotzler and Kapucian  
 TOBY SHINE – Dotzler, Chair; Beall and Wieck  
 DANIEL WHITE – Heckroth, Chair; Wilhelm and Hamerlinck

As members of the Iowa Great Places Board:

ROBIN ANDERSON – Wilhelm, Chair; Stewart and Kapucian  
 SAMANTHA ERICKSON – Stewart, Chair; Olive and Reynolds  
 MARK GINSBERG – Schmitz, Chair; Rielly and Hamerlinck  
 THERESA LYNCH – Dandekar, Chair; Heckroth and Houser

As members of the Iowa Jobs Board:

KATE GRONSTAL – Dotzler, Chair; Olive and Houser  
 TOI SULLIVAN – Beall, Chair; Wilhelm and Wieck

As members of the Iowa Power Fund Board:

JOHN BILSTEN – Beall, Chair; Stewart and Houser  
 FRED HUBBELL – Hatch, Chair; Stewart and Houser

## EDUCATION

As members of the Iowa Autism Council:

KARN JOHANSEN (PALMER) – Beall, Chair; Heckroth and Feenstra  
 SUSAN SMITH – Beall, Chair; Heckroth and Feenstra  
 CHARLES WADLE – Beall, Chair; Heckroth and Feenstra  
 PATRICK WESTHOFF – Beall, Chair; Heckroth and Feenstra

As a member of the State Board of Education:

ROSEMARIE HUSSEY – Sodders, Chair; Wilhelm and Boettger

As members of the Board of Educational Examiners:

TAMMY DUEHR – Sodders, Chair; Wilhelm and Boettger  
 LAURA STEVENS – Sodders, Chair; Wilhelm and Boettger

As members of the Iowa Empowerment Board:

ALICE ATKINSON – Dvorsky, Chair; Schmitz and Johnson  
 JEROME MOHR – Wilhelm, Chair; Schoenjahn and Hamerlinck  
 SARA MONROY-HUDDLESTON – Johnson, Chair; Wilhelm and Schoenjahn  
 JOHN WHITE – Hamerlinck, Chair; Wilhelm and Schoenjahn

As a member of the Iowa Higher Education Loan Authority:

STEPHANIE SAVAGE – Heckroth, Chair; Beall and Feenstra

As members of the School Budget Review Committee:

CONNIE MAXSON – Schmitz, Chair; Dvorsky and Johnson  
LELAND TACK – Schmitz, Chair; Dvorsky and Johnson

As a member of the Technology Governance Board:

ATUL GUPTA – Dvorsky, Chair; Schmitz and Johnson

### **ENVIRONMENT AND ENERGY INDEPENDENCE**

As members of the Renewable Fuel Infrastructure Board:

DIANE DENNLER – Hogg, Chair; Black and Behn  
CINDI GROVER – Wilhelm, Chair; Black and Behn  
K. ALAN HILLGREN – Hogg, Chair; Black and Behn  
JEFF HOVE – Hogg, Chair; Behn and Black

### **HUMAN RESOURCES**

As members of the Board of Athletic Training:

TROY KLEESE – Johnson, Chair; Hatch and Bolkcom  
SHAUN McCARTHY – Johnson, Chair; Hatch and Bolkcom

As members of the Board of Behavioral Science:

KENNETH FANN – Boettger, Chair; Hatch and Bolkcom  
MEGAN MURPHY – Boettger, Chair; Hatch and Bolkcom

As members of the Child Advocacy Board:

GERALD MAGEE – Ragan, Chair; Kreiman and Boettger  
ROBERTA PAYNE – Boettger, Chair; Ragan and Kreiman  
MICHAEL STEELE – Johnson, Chair; Hatch and Bolkcom  
NANCYLEE ZIESE – Bartz, Chair; Ragan and Kreiman

As members of the Child Welfare Advisory Committee:

JERRY FOXHOVEN – Wilhelm, Chair; Quirnbach and Bartz  
NANCY MAGNALL – Bartz, Chair; Quirnbach and Wilhelm

As members of the Prevention of Disabilities Policy Council:

CLAIBOURNE DUNGY – Schmitz, Chair; Dotzler and Seymour  
SCOTT LINDGREN – Schmitz, Chair; Dotzler and Seymour  
MAGGIE TINSMAN – Quirnbach, Chair; Wilhelm and Bartz

As members of the Healthy and Well Kids In Iowa (HAWK-I) Board:

KIMBERLY CARSON – Seymour, Chair; Ragan and Kreiman  
JOSEPH HUTTER – Wilhelm, Chair; Quirnbach and Bartz

As members of the Mental Health, Mental Retardation, Developmental Disabilities and Brain Injury Commission:

LYNN CRANNELL – Bartz, Chair; Ragan and Kreiman  
 RICHARD CROUCH – Hartsuch, Chair; Ragan and Kreiman  
 RICHARD HEITMANN – Hartsuch, Chair; Ragan and Kreiman  
 JACOBUS LEMPERS – Quirnbach, Chair; Wilhelm and Bartz  
 RAYMOND TODD – Hartsuch, Chair; Ragan and Kreiman  
 GANO WHETSTONE – Dotzler, Chair; Schmitz and Seymour

As members of the Board of Sign Language Interpreters and Transliterators:

JUDY GOULDSMITH – Seymour, Chair; Hatch and Bolkcom  
 DAVID THEOBALD – Seymour, Chair; Hatch and Bolkcom

As members of the Commission on Tobacco Use Prevention and Control:

CATHRYN CALLAWAY – Dotzler, Chair; Schmitz and Johnson  
 GARY STREIT – Dotzler, Chair; Schmitz and Johnson

### **JUDICIARY**

As a member of the Board of Corrections:

SHERYL GRIFFITH – Quirnbach, Chair; Schoenjahn and Boettger

As members of the Criminal and Juvenile Justice Planning Advisory Council:

THOMAS FERGUSON – Hancock, Chair; Sodders and Noble  
 PAUL FITZGERALD – Sodders, Chair; Schoenjahn and Noble  
 MICHELLE LEONARD – Hogg, Chair; Horn and Ward  
 CATHERINE REAMAN-GERDES – Fraise, Chair; Horn and Ward  
 JOHN SPINKS – Horn, Chair; Hogg and Zaun  
 THOMAS WALTON – Horn, Chair; Hogg and Zaun

As members of the Iowa Drug Policy Advisory Council:

JENNIFER DAVIS – Fraise, Chair; Warnstadt and Kettering  
 ERIC SNYDER – Quirnbach, Chair; Warnstadt and Noble  
 BRIAN VOS – Quirnbach, Chair; Schoenjahn and Kettering

As members of the Iowa Law Enforcement Academy Council:

PATRICK JACKSON – Jochum, Chair; Fraise and Boettger  
 RICARDO MARTINEZ II – Quirnbach, Chair; Schoenjahn and Noble

As Chair of the Board of Parole:

ELIZABETH ROBINSON – Sodders, Chair; Warnstadt and Boettger

As a member of the Board of Parole:

ELIZABETH ROBINSON – Sodders, Chair; Warnstadt and Boettger

### **LABOR AND BUSINESS RELATIONS**

As a member of the Employment Appeal Board:

JOHN PENO – Jochum, Chair; Dearden and Zaun

As members of the Plumbing and Mechanical Systems Examining Board:

JANE HAGEDORN – Horn, Chair; Dearden and Houser  
 CHARLES THOMAS – Hatch, Chair; Dearden and Ward  
 BRITA VAN HORNE – Horn, Chair; Dotzler and Wieck

As Chair of the Public Employment Relations Board:

JAMES RIORDAN – Courtney, Chair; Hatch and Ward

As members of the Iowa Workforce Development Board:

KENNETH ANDERSON – Jochum, Chair; Dotzler and Wieck  
 SARAH FALB – Jochum, Chair; Courtney and Houser  
 DEBORAH GROENE – Hatch, Chair; Dearden and Ward

### **LOCAL GOVERNMENT**

As a member of the City Development Board:

DENNIS PLAUTZ – Beall, Chair; Rielly and Hamerlinck

As members of the Mental Health Risk Pool Board:

WAYNE CLINTON – Quirnbach, Chair; Beall and Houser  
 MARJORIE PITTS – Quirnbach, Chair; Beall and Houser  
 PEGGY RICE – Quirnbach, Chair; Beall and Houser

### **STATE GOVERNMENT**

As members of the Accountancy Examining Board:

MARY SCHRAMM – Kibbie, Chair; Jochum and Seymour  
 CAROL SCHUSTER – Kibbie, Chair; Jochum and Seymour  
 DONALD TIMMINS – Kibbie, Chair; Jochum and Seymour

As a member of the Commission on the Status of African-Americans:

REDMOND JONES II – Kibbie, Chair; Jochum and Seymour

As a member of the Alcoholic Beverages Commission:

CLAIRE CELSI – Kibbie, Chair; Jochum and Seymour

As Administrator of the Alcoholic Beverages Division:

STEPHEN LARSON – Kibbie, Chair; Jochum and Seymour

As members of the Architectural Examining Board:

SALEEM BAIG – Kibbie, Chair; Jochum and Seymour

SUSAN BOWERSOX – Kibbie, Chair; Jochum and Seymour

As a member of the Board of Barbering:

CHARLES WUBBENA – Kibbie, Chair; Jochum and Seymour

As a member of the Commission for the Blind:

MICHAEL HOENIG – Kibbie, Chair; Jochum and Seymour

As members of the Boiler and Pressure Vessel Board:

THOMAS DYE – Kibbie, Chair; Jochum and Seymour

JOSEPH RODENKIRK – Jochum, Chair; Kibbie and Seymour

LYNNE RUSH – Jochum, Chair; Kibbie and Seymour

As members of the Board of Chiropractic:

BRADLEY BROWN – Jochum, Chair; Kibbie and Seymour

LESLIE DUININK – Jochum, Chair; Kibbie and Seymour

As members of the Commission on Community Action Agencies:

JOYCE HOEPKER – Jochum, Chair; Kibbie and Seymour

G. KEVIN MIDDLESWART – Jochum, Chair; Kibbie and Seymour

ROBERT TYSON – Jochum, Chair; Kibbie and Seymour

As a member of the Board of Cosmetology Arts And Sciences:

RICHARD SHERIFF – Jochum, Chair; Kibbie and Seymour

As members of the Board of Trustees of the Iowa Cultural Trust:

MARY KELLY – Jochum, Chair; Kibbie and Seymour

HENRY NEUMAN – Jochum, Chair; Kibbie and Seymour

As members of the Commission on the Deaf:

JAMES SNYDER – Danielson, Chair; Hatch and Feenstra

ROBERT VIZZINI – Danielson, Chair; Hatch and Feenstra

As members of the Board of Dentistry:

STEVEN BRADLEY – Danielson, Chair; Hatch and Feenstra  
LYNN CURRY – Danielson, Chair; Hatch and Feenstra  
MICHAEL ROVNER – Danielson, Chair; Hatch and Feenstra  
KIMBERLEE SPILLERS – Danielson, Chair; Hatch and Feenstra

As a member of the Board of Dietetics:

JANET JOHNSON – Danielson, Chair; Hatch and Feenstra

As members of the Elevator Safety Board:

RUSSELL ALLEN – Danielson, Chair; Hatch and Feenstra  
TODD CHRISTENSEN – Danielson, Chair; Hatch and Feenstra  
PETER FROMM – Danielson, Chair; Hatch and Feenstra  
MARVIN SCHUMACHER – Hatch, Chair; Danielson and Feenstra

As a member of the Iowa Emergency Response Commission:

ROBERT DOUGHERTY – Hatch, Chair; Danielson and Feenstra

As members of the Engineering and Land Surveying Examining Board:

CRAIG JOHNSTONE – Hatch, Chair; Danielson and Feenstra  
BRYAN MYERS – Hatch, Chair; Danielson and Feenstra

As members of the Iowa Ethics and Campaign Disclosure Board:

CAROLE TILLOTSON – Hatch, Chair; Danielson and Feenstra  
JOHN WALSH – Hatch, Chair; Danielson and Feenstra

As members of the Generation Iowa Commission:

ERIK CHRISTIAN – Hatch, Chair; Danielson and Feenstra  
CHRISTINE RALSTON – Hatch, Chair; Danielson and Feenstra  
MAURA WALSH – Hatch, Chair; Danielson and Feenstra  
KHARA WASHINGTON – Hatch, Chair; Danielson and Feenstra

As members of the Board of Hearing Aid Dispensers:

STANLEY HAUGLAND – Horn, Chair; Soddors, and Behn  
GREGORY MOORE – Horn, Chair; Soddors and Behn

As members of the Interior Design Examining Board:

MICHELE ROSENBOOM – Horn, Chair; Soddors and Behn  
H. SCOTT SANKEY – Horn, Chair; Soddors and Behn

As members of the Commission on the Status of Iowans of Asian and Pacific Islander Heritage:

CHRISTOPHER KEAHI – Horn, Chair; Sodders and Behn  
GEORGE YOUI SAYAVONG – Horn, Chair; Sodders and Behn  
DONECHANH SOUTHAMMAVONG – Horn, Chair; Sodders and Behn

As a member of the Investment Board of the IPERS:

PHYLLIS PETERSON – Hatch, Chair; Danielson and Feenstra

As members of the Landscape Architectural Examining Board:

CHRISTOPHER SEEGER – Horn, Chair; Sodders and Behn  
MARYJO WELCH – Horn, Chair; Sodders and Behn

As a member of the Iowa Lottery Authority Board of Directors:

MICHAEL KLAPPHOLZ – Sodders, Chair; Horn and Behn

As Director of the Department of Management:

RICHARD OSHLO, JR. – Danielson, Chair; Hatch and Feenstra

As members of the Board of Massage Therapy:

MARY BELIEU – Sodders, Chair; Horn and Behn  
DOUG CARLSON – Sodders, Chair; Horn and Behn  
LUELLEA RODEMEYER – Sodders, Chair; Horn and Behn

As members of the Board of Medicine:

TOM DREW – Sodders, Chair; Horn and Behn  
JEFFREY SNYDER – Sodders, Chair; Horn and Behn  
COLLEEN STOCKDALE – Sodders, Chair; Horn and Behn  
JOYCE VISTA-WAYNE – Sodders, Chair; Horn and Behn

As members of the Board of Mortuary Science:

BARBARA TEAHEN – Sodders, Chair; Horn and Behn  
LUJEAN WELANDER – Sodders, Chair; Horn and Behn

As a member of the Commission on Native American Affairs:

THOMAS CORNWELL – Black, Chair; Courtney and Hartsuch

As members of the Board of Nursing:

CLYDE BRADLEY – Black, Chair; Courtney and Hartsuch  
JANE HASEK – Black, Chair; Courtney and Hartsuch  
MARK HILLIARD – Black, Chair; Courtney and Hartsuch  
LESLIE LEWIS – Black, Chair; Courtney and Hartsuch



As members of the Board of Nursing Home Administrators:

JEANNINE BUNGE – Black, Chair; Courtney and Hartsuch  
THOMAS KENEFICK – Black, Chair; Courtney and Hartsuch

As members of the Board of Optometry:

CHARLES FOLLETT – Black, Chair; Courtney and Hartsuch  
SHARON THARP – Black, Chair; Courtney and Hartsuch

As a member of the Peace Officer's Retirement, Accident, and Disability System Trustee:

CHRIS MAYER – Black, Chair; Courtney and Hartsuch

As members of the Board of Pharmacy:

DEEANN WEDEMEYER-OLESON – Black, Chair; Courtney and Hartsuch  
MARGARET "PEGGY" WHITWORTH – Black, Chair; Courtney and Hartsuch

As members of the Board of Physical and Occupational Therapy:

DENISE BEHRENDIS – Black, Chair; Courtney and Hartsuch  
TODD BRADLEY – Courtney, Chair; Black and Hartsuch  
ERIN HYTREK – Courtney, Chair; Black and Hartsuch

As members of the Board of Physician Assistants:

THERESA HEGMANN – Courtney, Chair; Black and Hartsuch  
SUSAN KOEHLER – Courtney, Chair; Black and Hartsuch  
JOSEPH MOLNAR – Courtney, Chair; Black and Hartsuch  
TED SMITH – Courtney, Chair; Black and Hartsuch

As members of the Board of Podiatry:

ERIC BARP – Courtney, Chair; Black and Hartsuch  
GREGORY LANTZ – Courtney, Chair; Black and Hartsuch  
DENISE MANDI – Courtney, Chair; Black and Hartsuch

As members of the Board of Psychology:

EUGENE GLASS – Courtney, Chair; Black and Hartsuch  
MARY JOHNSON – Courtney, Chair; Black and Hartsuch  
JAMES MOODY – Courtney, Chair; Black and Hartsuch

As Administrator of the State Racing and Gaming Commission:

JACK P. KETTERER – Horn, Chair; Soddors and Behn

As a member of the State Racing and Gaming Commission:

GREGORY SEYFER – Courtney, Chair; Black and Hartsuch

As members of the Real Estate Appraiser Examining Board:

JAMES KESTERSON – Kibbie, Chair; Jochum and Seymour  
GREGORY MOREHEAD – Kibbie, Chair; Jochum and Seymour

As a member of the Real Estate Commission:

JUDITH STEVENS – Kibbie, Chair; Jochum and Seymour

As a member of the Board of Respiratory Care:

KERRY GEORGE – Kibbie, Chair; Jochum and Seymour

As members of the Board of Social Work:

BETH HARMS – Hatch, Chair; Danielson and Feenstra  
KATINKA KEITH – Jochum, Chair; Kibbie and Seymour  
KRISTA MATTSON – Jochum, Chair; Kibbie and Seymour  
DAVID STONE – Jochum, Chair; Kibbie and Seymour

As members of the Board of Speech Pathology and Audiology:

JASON AIRD – Danielson, Chair; Hatch and Feenstra  
CORAL JUD – Danielson, Chair; Hatch and Feenstra

As a member of the Iowa Board of Veterinary Medicine:

DEAN UPTON – Danielson, Chair; Hatch and Feenstra

As members of the Vision Iowa Board:

FRED DIEHL – Hatch, Chair; Danielson and Feenstra  
MARILYN MONROE – Hatch, Chair; Danielson and Feenstra

As members of the Commission on the Status of Women:

JOAN AXEL – Hatch, Chair; Danielson and Feenstra  
THOMAS CARNAHAN – Hatch, Chair; Danielson and Feenstra  
JILL OLSEN – Horn, Chair; Sodders and Behn  
PHYLLIS PETERS – Horn, Chair; Sodders and Behn  
JOHN QUINN – Horn, Chair; Sodders and Behn

## **TRANSPORTATION**

As Director of Transportation:

NANCY RICHARDSON – Heckroth, Chair; Danielson and Hahn

As members of the State Transportation Commission:

BARRY CLEAVELAND – Beall, Chair; Dandekar and Hahn  
DONALD WILEY – Dandekar, Chair; Beall and Hahn

**VETERANS AFFAIRS**

As Executive Director of the Commission of Veterans Affairs:

Patrick Palmersheim – Beall, Chair; Kibbie and Noble

As members of the Commission of Veterans Affairs:

BECKY DIRKS HAUGSTED – Ragan, Chair; Kibbie and Hartsuch

TODD JACOBUS – Warnstadt, Chair; Danielson and Noble

DARLENE McMARTIN – Soddors, Chair; Kibbie and Seymour

**WAYS AND MEANS**

As Director of Revenue:

MARK SCHULING – Bolkcom, Chair; McCoy and Zaun

**AMENDMENTS FILED**

S-5185	H.F.	2229	Commerce
S-5186	S.F.	2367	Jerry Behn
S-5187	H.F.	2437	Robert M. Hogg
S-5188	H.F.	2478	Robert M. Hogg
S-5189	S.F.	2371	William A. Dotzler, Jr.

# JOURNAL OF THE SENATE

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FIFTY-SEVENTH CALENDAR DAY  
THIRTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 8, 2010

The Senate met in regular session at 1:34 p.m., President Kibbie presiding.

Prayer was offered by Reverend Doug Peters, pastor of the Walnut Hills United Methodist Church in Urbandale, Iowa. He was the guest of Senators Dvorsky and Zaun.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Vanessa Shirley.

The Journal of Thursday, March 4, 2010, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 3, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 2477**, a bill for an act relating to mechanics' liens including the establishment of a state construction registry for residential construction property and providing an effective date.

Read first time and referred to committee on **Judiciary**.

**House File 2499**, a bill for an act relating to veterans records by requiring county recorders to provide copies of certain records to the department of veterans affairs and the county commission of veterans affairs and by requiring the department of veterans affairs to provide

copies of certain discharge documents to the county commissions of veteran affairs.

Read first time and referred to committee on **Veterans Affairs**.

#### INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Jack P. Ketterer, the governor's appointee to be the Administrator of the State Racing and Gaming Commission. He was the guest of Senator Appel and the committee on State Government.

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 1:53 p.m. until fall of the gavel.

#### RECONVENED

The Senate reconvened at 2:10 p.m., President Kibbie presiding.

The Senate stood at ease at 2:12 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:40 p.m., President Kibbie presiding.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Schoenjahn, for the day, on request of Senator Bolkom.

#### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2363.

### Senate File 2363

On motion of Senator Jochum, **Senate File 2363**, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of income taxes, moneys and credits tax, insurance premiums tax, sales and use taxes, fees for new vehicle registration, franchise fees, and the environmental protection charge, making penalties applicable, and including retroactive applicability provisions, 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. 2363), the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Seng
Beall	Gronstal	Kettering	Seymour
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward
Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Schoenjahn

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 2314.

**Senate File 2314**

On motion of Senator Hancock, **Senate File 2314**, a bill for an act modifying provisions applicable to electric generating and transmission facilities, was taken up for consideration.

Senator Hancock offered amendment S-5191, 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-5191 was adopted by a voice vote.

Senator Hancock asked and received unanimous consent that **House File 2399** be **substituted** for **Senate File 2314**.

**House File 2399**

On motion of Senator Hancock, **House File 2399**, a bill for an act modifying provisions applicable to electric generating and transmission facilities, was taken up for consideration.

Senator Hogg asked and received unanimous consent that action on **House File 2399** be **deferred**.

HOUSE AMENDMENT CONSIDERED

**Senate File 434**

Senator Quirmbach called up for consideration **Senate File 434**, a bill for an act relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property, amended by the House in House amendment S-5044, filed February 1, 2010.

Senator Quirmbach 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 Quirmbach 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 a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 434), the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Seng
Beall	Gronstal	Kettering	Seymour
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward
Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Schoenjahn

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 434** and **2363** 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 2284 and 2251.

**Senate File 2284**

On motion of Senator Beall, **Senate File 2284**, a bill for an act relating to the encouragement and assistance of businesses owned by disabled veterans, was taken up for consideration.

Senator Beall offered amendment S-5193, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5193 was adopted by a voice vote.

Senator Beall asked and received unanimous consent that **House File 2449** be **substituted** for **Senate File 2284**.

**House File 2449**

On motion of Senator Beall, **House File 2449**, a bill for an act relating to the encouragement and assistance of businesses owned by disabled veterans, 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?" (H.F. 2449), the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Seng
Beall	Gronstal	Kettering	Seymour
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward
Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirnbach	Zaun

Dearden	Horn	Ragan
Dotzler	Houser	Reynolds
Dvorsky	Jochum	Rielly

Nays, none.

Absent, 1:

Schoenjahn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator Beall asked and received unanimous consent that **Senate File 2284** be **withdrawn** from further consideration of the Senate.

### Senate File 2251

On motion of Senator Sodders, **Senate File 2251**, a bill for an act relating to driver's license sanctions, including the issuance of temporary restricted licenses and certain requirements relating to ignition interlock devices, and providing penalties, was taken up for consideration.

Senator Sodders offered amendment S-5190, filed by him from the floor to pages 1, 3, and 5-11 of the bill, and moved its adoption.

Amendment S-5190 was adopted by a voice vote.

Senator Sodders asked and received unanimous consent that **House File 2452** be **substituted** for **Senate File 2251**.

### House File 2452

On motion of Senator Sodders, **House File 2452**, a bill for an act relating to driver's license sanctions, including the issuance of temporary restricted licenses and certain requirements relating to ignition interlock devices, and providing penalties, 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?” (H.F. 2452), the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Seng
Beall	Gronstal	Kettering	Seymour
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward
Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Schoenjahn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## WITHDRAWN

Senator Sodders asked and received unanimous consent that **Senate File 2251** be **withdrawn** from further consideration of the Senate.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2067

Senator Horn called up for consideration **Senate File 2067**, a bill for an act relating to ethics regulations for the executive branch, legislative branch, and local officials and employees and including effective date provisions, amended by the House in House amendment S-5162, filed February 25, 2010.

Senator Horn 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 Horn 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 a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2067), the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Seng
Beall	Gronstal	Kettering	Seymour
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward
Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirnbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Schoenjahn

The bill, having received a constitutional majority, was declared to have passed 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 House Files 788 and 755.

## House File 788

On motion of Senator McCoy, **House File 788**, a bill for an act concerning alcohol beverage control, relating to minors and public intoxication or possession of alcohol and prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McCoy offered amendment S-5179, filed by the committee on Commerce on March 2, 2010, to page 4 of the bill, and moved its adoption.

Amendment S-5179 was adopted by a voice vote.

With the adoption of amendment S-5179, the Chair ruled amendment S-3231, filed by Senator Dotzler on April 8, 2009, to page 4 of the bill, out of order.

Senator McCoy offered amendment S-5192, filed by him from the floor to page 5 of the bill, and moved its adoption.

Amendment S-5192 was adopted by a voice vote.

Senator McCoy 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. 788), the vote was:

Yeas, 32:

Appel	Dotzler	Hogg	Rielly
Beall	Dvorsky	Horn	Schmitz
Black	Fraise	Jochum	Seng
Bolkcom	Gronstal	Kibbie	Stewart
Courtney	Hamerlinck	McCoy	Ward
Dandekar	Hancock	Olive	Warnstadt
Danielson	Hatch	Quirmbach	Wilhelm
Dearden	Heckroth	Ragan	Zaun

Nays, 17:

Bartz	Hartsuch	Kreiman	Sodders
Behn	Houser	McKinley	Wieck
Boettger	Johnson	Noble	
Feenstra	Kapucian	Reynolds	
Hahn	Kettering	Seymour	

Absent, 1:

Schoenjahn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### House File 755

On motion of Senator Ragan, **House File 755**, a bill for an act concerning eligibility for the injured veterans grant program, with report of committee recommending passage, was taken up for consideration.

Senator Ragan 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. 755), the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Seng
Beall	Gronstal	Kettering	Seymour
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward
Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Schoenjahn

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 2067** and **House Files 755, 788, 2449, and 2452** be **immediately messaged** to the House.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 734, 681, 2287, 2286, 2283, and 2273.

#### **House File 734**

On motion of Senator Jochum, **House File 734**, a bill for an act relating to the uniform adult guardianship and protective proceedings Act relating to the establishment, transfer, and recognition of guardianships and conservatorships in multistate cases, and including effective date and applicability provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Jochum offered amendment S-5010, filed by the committee on Judiciary on January 19, 2010, to pages 1 and 15 of the bill, and moved its adoption.

Amendment S-5010 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?" (H.F. 734), the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Seng
Beall	Gronstal	Kettering	Seymour
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward
Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Schoenjahn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### WITHDRAWN

Senator Jochum asked and received unanimous consent that **Senate File 444** be **withdrawn** from further consideration of the Senate.

### House File 681

On motion of Senator Dotzler, **House File 681**, a bill for an act requiring employers to provide notice of business closings and mass layoffs and providing penalties, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler asked and received unanimous consent that action on **House File 681** be **deferred**.



## House File 2287

On motion of Senator Kreiman, **House File 2287**, a bill for an act relating to the criminal offense of simulated public intoxication, with report of committee recommending passage, 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?” (H.F. 2287), the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Seng
Beall	Gronstal	Kettering	Seymour
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward
Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirnbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Schoenjahn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## House File 2286

On motion of Senator Kreiman, **House File 2286**, A bill for an act relating to the criminal offense of detention in a brothel, with report of committee recommending passage, 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?" (H.F. 2286), the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Seng
Beall	Gronstal	Kettering	Seymour
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward
Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirnbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Schoenjahn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### House File 2283

On motion of Senator Wilhelm, **House File 2283**, a bill for an act relating to the requirements for national criminal history record checks for child care providers, with report of committee recommending passage, 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?" (H.F. 2283), the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Seng
Beall	Gronstal	Kettering	Seymour

Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward
Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirnbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Schoenjahn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### House File 2273

On motion of Senator Fraise, **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, with report of committee recommending passage, was taken up for consideration.

Senator Fraise moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2273), the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Seng
Beall	Gronstal	Kettering	Seymour
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward
Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm

Danielson	Hogg	Quirnbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Schoenjahn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 734, 2273, 2283, 2286, and 2287** be **immediately messaged** to the House.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2284, 2111, 2110, 2233, 2200, and 2197.

#### **House File 2284**

On motion of Senator Bolkcom, **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, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bolkcom offered amendment S-5143, filed by the committee on Human Resources on February 24, 2010, to pages 1 and 4-6, and amending the title page of the bill.

Senator Bolkcom offered amendment S-5199, filed by him from the floor to page 1 of amendment S-5143, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5199 to amendment S–5143 be adopted?” (H.F. 2284), the vote was:

Yeas, 26:

Appel	Dearden	Horn	Rielly
Beall	Dotzler	Jochum	Schmitz
Black	Dvorsky	Kibbie	Seng
Bolkcom	Fraise	McCoy	Stewart
Courtney	Gronstal	Olive	Warnstadt
Dandekar	Hatch	Quirmbach	
Danielson	Hogg	Ragan	

Nays, 23:

Bartz	Hancock	Kettering	Sodders
Behn	Hartsuch	Kreiman	Ward
Boettger	Heckroth	McKinley	Wieck
Feenstra	Houser	Noble	Wilhelm
Hahn	Johnson	Reynolds	Zaun
Hamerlinck	Kapucian	Seymour	

Absent, 1:

Schoenjahn

Amendment S–5199 was adopted.

Senator Bolkcom moved the adoption of amendment S–5143, as amended.

Amendment S–5143, as amended, was adopted by a voice vote.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2284), the vote was:

Yeas, 30:

Appel	Dearden	Horn	Seng
Beall	Dotzler	Jochum	Sodders
Black	Dvorsky	Kibbie	Stewart
Boettger	Fraise	McCoy	Ward
Bolkcom	Gronstal	Quirmbach	Warnstadt
Courtney	Hatch	Ragan	Wilhelm
Dandekar	Heckroth	Rielly	
Danielson	Hogg	Schmitz	

Nays, 19:

Bartz	Hancock	Kettering	Reynolds
Behn	Hartsuch	Kreiman	Seymour
Feenstra	Houser	McKinley	Wieck
Hahn	Johnson	Noble	Zaun
Hamerlinck	Kapucian	Olive	

Absent, 1:

Schoenjahn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### House File 2111

On motion of Senator Bolkcom, **House File 2111**, a bill for an act providing notification to the department of workforce development by the secretary of state when certain business entities apply for reinstatement after dissolution to ensure certain tax obligations have been fulfilled, with report of committee recommending passage, 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?" (H.F. 2111), the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Seng
Beall	Gronstal	Kettering	Seymour
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McCoy	Ward
Bolkcom	Hartsuch	McKinley	Warnstadt
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Schoenjahn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### **House File 2110**

On motion of Senator Warnstadt, **House File 2110**, a bill for an act relating to unemployment insurance benefits for spouses who leave employment to accompany a spouse on a military assignment, with report of committee recommending passage, was taken up for consideration.

Senator Ward asked and received unanimous consent that action on **House File 2110** be **deferred**.

### **House File 2233**

On motion of Senator Kreiman, **House File 2233**, a bill for an act relating to expunging the conviction for certain alcohol-related offenses, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman asked and received unanimous consent that action on **House File 2233** be **deferred**.

### **House File 2200**

On motion of Senator Black, **House File 2200**, a bill for an act relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Senator Black offered amendment S-5095, filed by the committee on Natural Resources on February 18, 2010, to page 1 of the bill, and moved its adoption.

Amendment S-5095 was adopted by a voice vote.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kettering, until he returns, on request of Senator Zaun.

Senator Black 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. 2200), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Ragan
Bartz	Feenstra	Jochum	Reynolds
Beall	Fraise	Johnson	Rielly
Behn	Gronstal	Kapucian	Schmitz
Black	Hahn	Kettering	Seng
Boettger	Hamerlinck	Kibbie	Seymour
Bolkcom	Hancock	Kreiman	Sodders
Courtney	Hartsuch	McCoy	Stewart
Dandekar	Hatch	McKinley	Ward
Danielson	Heckroth	Noble	Warnstadt
Dearden	Hogg	Olive	Wieck
Dotzler	Horn	Quirmbach	Wilhelm

Nays, none.

Absent, 2:

Schoenjahn            Zaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## House File 2197

On motion of Senator Sodders, **House File 2197**, a bill for an act providing veterans a holiday for veterans day and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Senator Sodders offered amendment S-5145, filed by him on February 24, 2010, to page 1 of the bill, and moved its adoption.

Amendment S-5145 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?" (H.F. 2197), the vote was:

Yeas, 34:

Appel	Dvorsky	Jochum	Schmitz
Beall	Fraise	Kapucian	Seng
Black	Gronstal	Kibbie	Sodders
Bolkcom	Hahn	Kreiman	Stewart
Courtney	Hancock	McCoy	Ward
Dandekar	Hatch	Olive	Warnstadt
Danielson	Heckroth	Quirmbach	Wilhelm
Dearden	Hogg	Ragan	
Dotzler	Horn	Rielly	

Nays, 14:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	
Feenstra	Johnson	Reynolds	

Absent, 2:

Schoenjahn	Zaun
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2111, 2197, 2200, and 2284** be **immediately messaged** to the House.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 8, 2010, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 205**, a bill for an act relating to required testing for infectious diseases of persons under supervision of judicial district departments of correctional services.

**Senate File 358**, a bill for an act relating to the recognition and enforcement of foreign-country money judgments and providing for the Act's applicability.

ALSO: That the House has on March 8, 2010, **concurred** in the Senate amendment and **passed** the following bills in which the concurrence of the House was asked:

**House File 2076**, a bill for an act relating to economic development by establishing an Iowa innovation council in the department of economic development and by providing for certain reports on innovation and commercialization within certain targeted industries.

**House File 2183**, a bill for an act relating to the organization and duties of the state board of health.

ALSO: That the House has on March 8, 2010, **amended and passed** the following bills in which the concurrence of the Senate is asked:

**Senate File 153**, a bill for an act to allow medical or osteopathic physicians, physician assistants, and advanced registered nurse practitioners to form limited liability companies or professional corporations. (S-5197)

**Senate File 285**, a bill for an act relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty. (S-5198)

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:08 p.m. until 8:45 a.m., Tuesday, March 9, 2010.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Coach Wayne Henryson and the Eighth Grade Girls' Basketball Team, Gilbert—For achieving the Tigers' second undefeated season. Senator Noble (3/8/10).

Gladys Serdahl—For celebrating her 100<sup>th</sup> birthday. Senator Ragan (3/8/10).

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Elia Homange, 10<sup>th</sup> grade Tanzanian exchange student from Central DeWitt, accompanied by Mark and Marsha Witte. Senator Hamerlinck.

### INTRODUCTION OF BILLS

**Senate File 2374**, by committee on Ways and Means, a bill for an act relating to the policy administration of the tax and related laws by the department of revenue, including administration of income taxes, sales and use taxes, motor fuel taxes, property taxes, and inheritance taxes, providing for taxpayer information exchanges with the department of workforce development, making penalties applicable, and including effective date and applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

**Senate File 2375**, by committee on Ways and Means, a bill for an act relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

## FINAL COMMITTEE REPORTS OF BILL ACTION

## JUDICIARY

**Bill Title:** HOUSE FILE 674 (HSB 93), a bill for an act relating to reporting the treatment of serious wounds received as the result of a crime to a law enforcement agency and making penalties applicable.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5195.

**Final Vote:** Ayes, 12: Kreiman, Hogg, Kettering, Boettger, Hancock, Horn, Jochum, Noble, Soddors, Ward, Warnstadt, and Zaun. Nays, none. Present, 1: Quirnbach. Absent, 2: Fraise and Schoenjahn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## ALSO:

**Bill Title:** HOUSE FILE 2438 (formerly HF 744), a bill for an act relating to the criminal offense of enticing or attempting to entice a minor and providing penalties.

**Recommendation:** AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5194.

**Final Vote:** Ayes, 13: Kreiman, Hogg, Kettering, Boettger, Hancock, Horn, Jochum, Noble, Quirnbach, Soddors, Ward, Warnstadt, and Zaun. Nays, none. Absent, 2: Fraise and Schoenjahn.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## WAYS AND MEANS

**Bill Title:** \*SENATE FILE 2374 (SSB 3234), a bill for an act relating to the policy administration of the tax and related laws by the department of revenue, including administration of income taxes, sales and use taxes, motor fuel taxes, property taxes, and inheritance taxes, providing for taxpayer information exchanges with the department of workforce development, making penalties applicable, and including effective date and applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Bolkom, McCoy, Dandekar, Dotzler, Hogg, Jochum, Quirnbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 6: Zaun, Bartz, Feenstra, Hamerlinck, Houser, and Ward. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2374, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2375 (SSB 3224), a bill for an act relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 17: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2375, and they were attached to the committee report.

## BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have 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 5<sup>th</sup> day of March, 2010:

Senate Files 2191 and 2248.

ALSO: The Secretary of the Senate respectfully reports that the following bills have 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 8<sup>th</sup> day of March, 2010:

Senate Files 2138, 2194, 2243, 2246, 2266, and 2355.

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 8, 2010, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2191 – 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 – Relating to permits issued under the national pollutant discharge elimination system, and making penalties applicable.

## REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2191, the following correction was made:

1. Page 1, line 14: changed a closing quote to a smart closing quote.

ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2355, the following correction was made:

1. Page 1, line 23: removed hyphen in pre-engineered.

MICHAEL E. MARSHALL  
Secretary of the Senate

## TEMPORARY COMMITTEE CHANGE

Senator Gronstal announced the following temporary change in committee assignment:

Senator Courtney will replace Senator Schoenjahn as Chair of the Appropriations Subcommittee on Education.

## AMENDMENTS FILED

S-5190	S.F.	2251	Steven J. Soddors
S-5191	S.F.	2314	Tom Hancock
S-5192	H.F.	788	Matt McCoy
S-5193	S.F.	2284	Daryl Beall
S-5194	H.F.	2438	Judiciary
S-5195	H.F.	674	Judiciary
S-5196	H.F.	2399	Tom Hancock
S-5197	S.F.	153	House
S-5198	S.F.	285	House
S-5199	H.F.	2284	Joe Bolckom

# JOURNAL OF THE SENATE

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FIFTY-EIGHTH CALENDAR DAY  
THIRTY-FOURTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 9, 2010

The Senate met in regular session at 8:45 a.m., President Kibbie presiding.

Prayer was offered by Pastor George Volkert of St. Paul's and St. John's Lutheran Churches in Sumner, Iowa. He was the guest of Senators Hahn and Heckroth.

The Journal of Monday, March 8, 2010, was approved.

## INTRODUCTION OF GOVERNOR'S APPOINTEES

The Secretary of the Senate introduced Richard Oshlo, Jr., the governor's appointee to be the Director of the Department of Management. He was the guest of Senator Danielson and the committee on State Government.

The Secretary of the Senate introduced Stephen Larson, the governor's appointee to be the Administrator of the Alcoholic Beverages Division. He was the guest of Senators Jochum and Seymour and the committee on State Government.

## 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 8, 2010, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

**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. (S-5200)

The Senate stood at ease at 8:53 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:03 a.m., President Kibbie presiding.

### RECESS

On motion of Senator Gronstal, the Senate recessed at 10:04 a.m. until 1:45 p.m.

### AFTERNOON SESSION

The Senate reconvened at 1:55 p.m., President Kibbie presiding.

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### **House File 2456**

Senator Danielson called up for consideration **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, amended by the Senate and further amended by the House in House amendment S-5200 to Senate amendment H-8251, filed March 9, 2010.

Senator Danielson moved that the Senate concur and vote “No” in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **refused to concur** in the House amendment to the Senate amendment.



**CONSIDERATION OF BILL**  
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2373.

**Senate File 2373**

On motion of Senator Jochum, **Senate File 2373**, a bill for an act relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions, 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. 2373), 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.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2367.

**Senate File 2367**

On motion of Senator Danielson, **Senate File 2367**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, was taken up for consideration.

Senator Danielson asked and received unanimous consent that action on **Senate File 2367** be **deferred**.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2364.

**Senate File 2364**

On motion of Senator Schmitz, **Senate File 2364**, a bill for an act relating to the income tax checkoff for the child abuse prevention program fund and including retroactive applicability provisions, was taken up for consideration.

Senator Ward asked and received unanimous consent that action on **Senate File 2364** be **deferred**.

IMMEDIATELY MESSAGED

Senator Bolckom asked and received unanimous consent that **Senate File 2373** and **House File 2456** be **immediately messaged** to the House.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2199**

Senator Olive called up for consideration **Senate File 2199**, a bill for an act relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, amending statutory references to certain types of home dealers, establishing titling procedures for certain manufactured and mobile homes, making penalties applicable, and including effective date provisions, amended by the House in House amendment S-5147, filed February 25, 2010.

Senator Olive 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 Olive 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 a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2199), 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.

CONSIDERATION OF BILLS  
(Regular Calendar)

Senator Bolcom asked and received unanimous consent to take up for consideration House Files 2488, 2485, and 2478.

**House File 2488**

On motion of Senator Sodders, **House File 2488**, a bill for an act relating to the appointment of young adults to appointive boards, commissions, committees, and councils, with report of committee recommending passage, 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?" (H.F. 2488), the vote was:

Yeas, 36:

Appel	Dotzler	Jochum	Schmitz
Bartz	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Black	Gronstal	McCoy	Sodders
Bolcom	Hancock	Noble	Stewart
Courtney	Hatch	Olive	Ward
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wieck
Dearden	Horn	Rielly	Wilhelm

Nays, 14:

Behn	Hamerlinck	Kapucian	Seymour
Boettger	Hartsuch	Kettering	Zaun
Feenstra	Houser	McKinley	
Hahn	Johnson	Reynolds	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## House File 2485

On motion of Senator Jochum, **House File 2485**, a bill for an act relating to public employee collective bargaining, with report of committee recommending passage, 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?” (H.F. 2485), 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.

## House File 2478

On motion of Senator Hogg, **House File 2478**, a bill for an act relating to business organizations, including limited liability companies and business corporations, and providing for fees, with report of committee recommending passage, was taken up for consideration.

Senator Hogg offered amendment S-5188, filed by him on March 4, 2010, to pages 3, 4, 7, and 8 of the bill, and moved its adoption.

Amendment S-5188 was adopted by a voice vote.

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. 2478), 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.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2199** and **House Files 2478, 2485, and 2488** be **immediately messaged** to the House.

#### CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2403.

## House File 2403

On motion of Senator Wilhelm, **House File 2403**, a bill for an act making changes to the uniform controlled substances Act, with report of committee recommending passage, 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?” (H.F. 2403), the vote was:

Yeas, 50:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Schoenjahn
Beall	Gronstal	Kettering	Seng
Behn	Hahn	Kibbie	Seymour
Black	Hamerlinck	Kreiman	Soddars
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.

UNFINISHED BUSINESS  
(Deferred March 8, 2010)

## House File 2399

The Senate resumed consideration of **House File 2399**, a bill for an act requiring certain rate-regulated public utilities to undertake analyses of and preparation for the possible construction of low carbon emitting nuclear generating facilities in this state, permitting all rate-regulated public utilities to make significant alterations to an existing generating facility, and including effective date provisions, deferred March 8, 2010.

(House File 2399 was deferred.)

The Senate stood at ease at 2:38 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:35 p.m., President Kibbie presiding.

The Senate resumed consideration of House File 2399.

Senator Hogg deferred amendment S-5206, filed by him from the floor to page 1 and amending the title page of the bill.

Senator Hogg deferred amendment S-5212, filed by him from the floor to page 1 and amending the title page of the bill.

Senator Hogg deferred amendment S-5218, filed by him from the floor to pages 1 and 2 and amending the title page of the bill.

Senator Fraise offered amendment S-5201, filed by Senator Fraise, et al., from the floor to pages 1 and 2 and amending the title page of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 16, nays 26.

Amendment S-5201 lost.

Senator Soddors withdrew amendment S-5202, filed by him from the floor to page 1 of the bill.

Senator Hogg offered amendment S-5214, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5214 lost by a voice vote.

Senator Hogg withdrew amendment S-5213, filed by him from the floor to page 2 and amending the title page of the bill.



Senator Hogg withdrew amendment S-5215, filed by him from the floor to page 2 and amending the title page of the bill.

Senator Beall offered amendment S-5216, filed by Senators Beall, Kibbie, and Bolkcom from the floor to page 2 and amending the title page of the bill, and moved its adoption.

Amendment S-5216 lost by a voice vote.

Senator Hancock withdrew amendment S-5196, filed by him on March 8, 2010, to page 3 of the bill.

The Senate resumed consideration of amendment S-5206, previously deferred.

Senator Hogg withdrew amendment S-5206.

The Senate resumed consideration of amendment S-5212, previously deferred.

Senator Hogg withdrew amendment S-5212.

The Senate resumed consideration of amendment S-5218, previously deferred.

Senator Hogg moved the adoption of amendment S-5218.

A nonrecord roll call was requested.

The ayes were 13, nays 26.

Amendment S-5218 lost.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2399), the vote was:

Yeas, 37:

Bartz	Hahn	Kibbie	Seymour
Behn	Hamerlinck	McCoy	Sodders

Black	Hancock	McKinley	Stewart
Boettger	Hartsuch	Noble	Ward
Courtney	Heckroth	Olive	Warnstadt
Dandekar	Horn	Ragan	Wieck
Danielson	Houser	Reynolds	Zaun
Dotzler	Johnson	Rielly	
Feenstra	Kapucian	Schmitz	
Gronstal	Kettering	Schoenjahn	

Nays, 13:

Appel	Dvorsky	Jochum	Wilhelm
Beall	Fraise	Kreiman	
Bolkcom	Hatch	Quirnbach	
Dearden	Hogg	Seng	

Absent, none.

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### WITHDRAWN

Senator Hancock asked and received unanimous consent that **Senate File 2314** be **withdrawn** from further consideration of the Senate.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2307 and 2288.

#### House File 2307

On motion of Senator Quirnbach, **House File 2307**, a bill for an act providing for restitution for Medicaid expenditures, with report of committee recommending passage, 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?" (H.F. 2307), the vote was:

Yeas, 50:

Appel	Feenstra	Johnson	Schmitz
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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.

### House File 2288

On motion of Senator Kreiman, **House File 2288**, a bill for an act repealing the simple misdemeanor offense relating to the use of cowll lamps on motor vehicles, with report of committee recommending passage, 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?" (H.F. 2288), 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.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2288, 2307, 2399, and 2403** be **immediately messaged** to the House.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2195, 2148, 2144, and 2137.

#### House File 2195

On motion of Senator Dotzler, **House File 2195**, a bill for an act concerning fine arts projects in state buildings, with report of committee recommending passage, 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?" (H.F. 2195), 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.

### House File 2148

On motion of Senator Beall, **House File 2148**, a bill for an act relating to eligible lenders for the home ownership assistance program for military members, with report of committee recommending passage, 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?" (H.F. 2148), 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.

### **House File 2144**

On motion of Senator Wilhelm, **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, with report of committee recommending passage, 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?" (H.F. 2144), 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.

### **House File 2137**

On motion of Senator Danielson, **House File 2137**, a bill for an act relating to the military division of the department of public defense concerning state military service and the Iowa code of military justice, with report of committee recommending passage, was taken up for consideration.

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. 2137), 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.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bolkcom, until he returns, on request of Senator Gronstal.

### UNFINISHED BUSINESS (Deferred March 8, 2010)

#### House File 2110

The Senate resumed consideration of **House File 2110**, a bill for an act relating to unemployment insurance benefits for spouses who leave employment to accompany a spouse on a military assignment, deferred March 8, 2010.

Senator Wieck offered amendment S-5209, filed by Senator Wieck, et al., from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5209 be adopted?" (H.F. 2110), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 31:

Appel	Dvorsky	Jochum	Schmitz
Beall	Fraise	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirnbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm
Dotzler	Horn	Rielly	

Absent, 1:

Bolkcom

Amendment S-5209 lost.

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?" (H.F. 2110), the vote was:

Yeas, 35:

Appel	Fraise	Jochum	Schmitz
Beall	Gronstal	Kapucian	Schoenjahn
Black	Hahn	Kibbie	Seng
Courtney	Hancock	Kreiman	Sodders
Dandekar	Hatch	McCoy	Stewart
Danielson	Heckroth	Olive	Ward



Dearden	Hogg	Quirnbach	Warnstadt
Dotzler	Horn	Ragan	Wilhelm
Dvorsky	Houser	Rielly	

Nays, 14:

Bartz	Hamerlinck	McKinley	Wieck
Behn	Hartsuch	Noble	Zaun
Boettger	Johnson	Reynolds	
Feenstra	Kettering	Seymour	

Absent, 1:

Bolkcom

The bill, having received a constitutional majority, was declared to have passed 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 House Files 2460, 2459, and 2454.

#### House File 2460

On motion of Senator Rielly, **House File 2460**, a bill for an act relating to small business and disadvantaged business enterprise contracts with the department of transportation, with report of committee recommending passage, 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?" (H.F. 2460), 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
Courtney	Hatch	Noble	Warnstadt
Dandekar	Heckroth	Olive	Wieck

Danielson	Hogg	Quirnbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Bolkcom

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### House File 2459

On motion of Senator Hogg, **House File 2459**, a bill for an act establishing a watershed planning advisory council, with report of committee recommending passage, was taken up for consideration.

Senator Hogg asked and received unanimous consent that action on **House File 2459** be **deferred**.

### House File 2454

On motion of Senator Beall, **House File 2454**, a bill for an act providing for the development of programs to attract qualified disabled veterans for job opportunities in state government, with report of committee recommending passage, 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?" (H.F. 2454), 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

Courtney	Hatch	Noble	Warnstadt
Dandekar	Heckroth	Olive	Wieck
Danielson	Hogg	Quirnbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	
Feenstra	Johnson	Schmitz	

Nays, none.

Absent, 1:

Bolkcom

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2110, 2137, 2144, 2148, 2195, 2454, and 2460** be **immediately messaged** to the House.

#### HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 9, 2010, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 2073**, a bill for an act relating to the practice of accounting and to the organization and operation of the licensing boards included within the professional licensure and regulation bureau of the banking division in the department of commerce.

**Senate File 2075**, a bill for an act requiring reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances and providing an applicability date.

**Senate File 2095**, a bill for an act relating to the authority of a certified law enforcement officer.

**Senate File 2289**, a bill for an act relating to deaccreditation of a school district by the state board of education and to the disposition of certain former school district funds, and including effective date, validation, and retroactive applicability provisions.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:51 p.m. until 8:45 a.m., Wednesday, March 10, 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 FOR THE BLIND

FY 2009 Report on Recycled Content Products and Soy-based Inks, pursuant to Iowa Code section 216B.3(12)(d). Report received on March 9, 2010.

#### DEPARTMENT OF HUMAN SERVICES

Implementation Status Report of the Mental Health Services System for Children, Youth, and Their Families, pursuant to Iowa Code section 225C.54(5). Report received on March 9, 2010.

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Gaby Baker, Elkhart—For winning the Sixth–Seventh Grade “Write Women Back Into History” contest. Senator Noble (3/9/10).

Robert Harrington Cave, Burlington—For celebrating his 90<sup>th</sup> birthday. Senator Courtney (3/9/10).

Myranell Dockendorff, Danville—For celebrating her 90<sup>th</sup> birthday. Senator Courtney (3/9/10).

Alexander Erlandson, Walford—For winning the Sixth–Seventh Grade “Write Women Back Into History” contest. Senator Kapucian (3/9/10).

Isabelle Moeller—For celebrating her 90<sup>th</sup> birthday. Senator Dotzler (3/9/10).

Mount Vernon Girls' Basketball Team—For winning the 2010 Class 2-A State Girls' Basketball Championship. Senator Dvorsky (3/9/10).

Florence Paul, Osceola—For celebrating her 98<sup>th</sup> birthday. Senator Reynolds (3/9/10).

University of Iowa Museum of Natural History—For the celebration of the 150<sup>th</sup> anniversary of the museum. Senator Dvorsky (3/9/10).

## REPORTS OF COMMITTEE MEETINGS

### COMMERCE

**Convened:** Tuesday, March 9, 2010, 10:10 a.m.

**Members Present:** Warnstadt, Chair; Heckroth, Vice Chair; Wieck, Ranking Member; Behn, Bolkcom, Courtney, Dandekar, Kettering, McCoy, Olive, Rielly, Schmitz, Stewart, and Ward.

**Members Absent:** Hartsuch (excused).

**Committee Business:** Approved governor's appointees.

**Adjourned:** 10:15 a.m.

### ECONOMIC GROWTH

**Convened:** Tuesday, March 09, 2010, 10:20 a.m.

**Members Present:** Stewart, Chair; Olive, Vice Chair; Houser, Ranking Member; Beall, Dandekar, Dotzler, Hatch, Heckroth, Kapucian, Reynolds, Rielly, Schmitz, and Wilhelm.

**Members Absent:** Hamerlinck and Wieck (both excused).

**Committee Business:** Approved governor's appointees.

**Adjourned:** 10:30 a.m.

### LABOR AND BUSINESS RELATIONS

**Convened:** Tuesday, March 9, 2010, 1:30 p.m.

**Members Present:** Courtney, Chair; Jochum, Vice Chair; Ward, Ranking Member; Dearden, Hatch, Horn, Houser, Wieck, and Zaun.

**Members Absent:** Dotzler and Gronstal (both excused).

**Committee Business:** Approved governor's appointees.

**Adjourned:** 1:35 p.m.

#### STATE GOVERNMENT

**Convened:** Tuesday, March 9, 2010, 10:35 a.m.

**Members Present:** Appel, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Black, Courtney, Danielson, Dearden, Horn, Jochum, Seymour, Soddors.

**Members Absent:** Hartsuch, Hatch, and Wieck (all excused).

**Committee Business:** Approved governor's appointees.

**Adjourned:** 10:40 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** Monday, March 8, 2010, 12:40 p.m.

**Members Present:** Courtney, Chair; Quirmbach, Vice Chair; Boettger, Ranking Member; Feenstra and Horn.

**Members Absent:** None.

**Committee Business:** Approved LSB 5090JA, as amended.

**Adjourned:** 2:05 p.m.

#### INTRODUCTION OF RESOLUTIONS

**Senate Concurrent Resolution 102**, by Black, a concurrent resolution designating May 2010 as Motorcycle Safety Awareness Month.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**Senate Resolution 107**, by Black, a resolution supporting the Republic of China on Taiwan as a part of the global community.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**STUDY BILLS RECEIVED****SSB 3247 Appropriations**

Relating to the compensation and benefits for public officials and employees, providing for related matters, and making appropriations.

**SSB 3248 Appropriations**

Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and including effective date and applicability provisions.

**SUBCOMMITTEE ASSIGNMENTS****SSB 3247**

APPROPRIATIONS: Dvorsky, Chair; and Kettering

**SSB 3248**

APPROPRIATIONS: Schoenjahn, Chair; Boettger and Dvorsky

**REPORT OF THE SECRETARY OF THE SENATE**

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2088, the following corrections were made:

1. Page 1, line 32: change "Oe" to "e".
2. Page 2, line 7: change "e" to "f".
3. Page 2, line 11: change "f" to "g".
4. Page 2, line 12: change "g" to "h".
5. Page 2, line 13: change "h" to "i".
6. Page 2, line 14: change "i" to "j".
7. Page 2, line 16: change "j" to "k".
8. Page 2, line 17: change "k" to "l".
9. Page 15, line 5: delete \*.
10. Page 159, line 11: "jursidiction" is spelled incorrectly.
11. Page 188, line 13: add parens around the 2 in the line for "subparagraph (2)".

MICHAEL E. MARSHALL  
Secretary of the Senate

## 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 9th day of March, 2010:

Senate File 2088.

MICHAEL E. MARSHALL  
Secretary of the Senate

## GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

### COMMERCE

Paul Becker – Credit Union Review Board  
Jeffrey Hayes – Credit Union Review Board  
Michaela “Shelley” Parbs – Credit Union Review Board

Pamela Duffy – Iowa Telecommunications and Technology Commission

### ECONOMIC GROWTH

George “Curtis” Baugh – Iowa Economic Development Board  
David Bernstein – Iowa Economic Development Board  
John Bickel – Iowa Economic Development Board  
Jerry Courtney – Iowa Economic Development Board  
Nancy Dunkel – Iowa Economic Development Board  
Rebecca Greenwald – Iowa Economic Development Board  
Sue Jarboe – Iowa Economic Development Board  
John Lisle – Iowa Economic Development Board  
Ruth MacDonald – Iowa Economic Development Board  
Andrea McGuire – Iowa Economic Development Board  
Robert Riley, Jr. – Iowa Economic Development Board  
Marcia Rogers – Iowa Economic Development Board  
Toby Shine – Iowa Economic Development Board  
Daniel White – Iowa Economic Development Board

Robin Anderson – Iowa Great Places Board  
Samantha Erickson – Iowa Great Places Board  
Mark Ginsberg – Iowa Great Places Board  
Theresa Lynch – Iowa Great Places Board



Kate Gronstal – Iowa Jobs Board  
Toi Sullivan – Iowa Jobs Board

John Bilsten – Iowa Power Fund Board  
Fred Hubbell – Iowa Power Fund Board

### **LABOR AND BUSINESS RELATIONS**

John Peno – Employment Appeal Board

Jane Hagedorn – Plumbing and Mechanical Systems Examining Board  
Charles Thomas – Plumbing and Mechanical Systems Examining Board  
Brita Van Horne – Plumbing and Mechanical Systems Examining Board

James Riordan – Chair of the Public Employment Relations Board

Kenneth Anderson – Iowa Workforce Development Board  
Sarah Falb – Iowa Workforce Development Board  
Deborah Groene – Iowa Workforce Development Board

### **STATE GOVERNMENT**

Mary Schramm – Accountancy Examining Board  
Carol Schuster – Accountancy Examining Board  
Donald Timmins – Accountancy Examining Board

Redmond Jones II – Commission on the Status of African-Americans

Claire Celsi – Alcoholic Beverages Commission

Stephen Larson – Administrator of the Alcoholic Beverages Division

Saleem Baig – Architectural Examining Board  
Susan Bowersox – Architectural Examining Board

Charles Wubbena – Board of Barbering

Michael Hoenig – Commission for the Blind

Thomas Dye – Boiler and Pressure Vessel Board  
Joseph Rodenkirk – Boiler and Pressure Vessel Board  
Lynne Rush – Boiler and Pressure Vessel Board

Bradley Brown – Board of Chiropractic  
Leslie Duinink – Board of Chiropractic

Joyce Hoepker – Commission on Community Action Agencies  
G. Kevin Middleswart – Commission on Community Action Agencies  
Robert Tyson – Commission on Community Action Agencies

Richard Sheriff – Board of Cosmetology Arts And Sciences

Mary Kelly – Board of Trustees of the Iowa Cultural Trust  
Henry Neuman – Board of Trustees of the Iowa Cultural Trust

James Snyder – Commission on the Deaf  
Robert Vizzini – Commission on the Deaf

Steven Bradley – Board of Dentistry  
Lynn Curry – Board of Dentistry  
Michael Rovner – Board of Dentistry  
Kimberlee Spillers – Board of Dentistry

Janet Johnson – Board of Dietetics

Russell Allen – Elevator Safety Board  
Todd Christensen – Elevator Safety Board  
Peter Fromm – Elevator Safety Board  
Marvin Schumacher – Elevator Safety Board

Robert Dougherty – Iowa Emergency Response Commission

Craig Johnstone – Engineering and Land Surveying Examining Board  
Bryan Myers – Engineering and Land Surveying Examining Board

Carole Tillotson – Iowa Ethics and Campaign Disclosure Board  
John Walsh – Iowa Ethics and Campaign Disclosure Board

Erik Christian – Generation Iowa Commission  
Christine Ralston – Generation Iowa Commission  
Maura Walsh – Generation Iowa Commission  
Khara Washington – Generation Iowa Commission

Stanley Haugland – Board of Hearing Aid Dispensers  
Gregory Moore – Board of Hearing Aid Dispensers

Michele Rosenboom – Interior Design Examining Board  
H. Scott Sankey – Interior Design Examining Board

Christopher Keahi – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

George Youi Sayavong – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Donechanh Southammavong – Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Phyllis Peterson – Investment Board of the IPERS

Christopher Seeger – Landscape Architectural Examining Board  
Maryjo Welch – Landscape Architectural Examining Board

Michael Klappholz – Iowa Lottery Authority Board of Directors

Richard Oshlo, Jr. – Director of the Department of Management

Mary Belieu – Board of Massage Therapy  
Doug Carlson – Board of Massage Therapy  
Luella Rodemeyer – Board of Massage Therapy

Tom Drew – Board of Medicine  
Jeffrey Snyder – Board of Medicine  
Colleen Stockdale – Board of Medicine  
Joyce Vista-Wayne – Board of Medicine

Barbara Teahen – Board of Mortuary Science  
LuJean Welander – Board of Mortuary Science

Thomas Cornwell – Commission on Native American Affairs

Clyde Bradley – Board of Nursing  
Jane Hasek – Board of Nursing  
Mark Hilliard – Board of Nursing  
Leslie Lewis – Board of Nursing

Jeannine Bunge – Board of Nursing Home Administrators  
Thomas Kenefick – Board of Nursing Home Administrators

Charles Follett – Board of Optometry  
Sharon Tharp – Board of Optometry

Chris Mayer – Peace Officer's Retirement, Accident, and Disability System Trustee

DeeAnn Wedemeyer-Oleson – Board of Pharmacy  
Margaret "Peggy" Whitworth – Board of Pharmacy

Denise Behrends – Board of Physical and Occupational Therapy  
Todd Bradley – Board of Physical and Occupational Therapy  
Erin Hytrek – Board of Physical and Occupational Therapy

Theresa Hegmann – Board of Physician Assistants  
Susan Koehler – Board of Physician Assistants  
Joseph Molnar – Board of Physician Assistants  
Ted Smith – Board of Physician Assistants

Eric Barp – Board of Podiatry  
Gregory Lantz – Board of Podiatry  
Denise Mandi – Board of Podiatry

Eugene Glass – Board of Psychology  
Mary Johnson – Board of Psychology  
James Moody – Board of Psychology

Jack P. Ketterer – Administrator of the State Racing and Gaming Commission

Gregory Seyfer – State Racing and Gaming Commission

James Kesterson – Real Estate Appraiser Examining Board

Gregory Morehead – Real Estate Appraiser Examining Board

Judith Stevens – Real Estate Commission

Kerry George – Board of Respiratory Care

Beth Harms – Board of Social Work

Katinka Keith – Board of Social Work

Krista Mattson – Board of Social Work

David Stone – Board of Social Work

Jason Aird – Board of Speech Pathology and Audiology

Coral Jud – Board of Speech Pathology and Audiology

Dean Upton – Iowa Board of Veterinary Medicine

Fred Diehl – Vision Iowa Board

Marilyn Monroe – Vision Iowa Board

Joan Axel – Commission on the Status of Women

Thomas Carnahan – Commission on the Status of Women

Jill Olsen – Commission on the Status of Women

Phyllis Peters – Commission on the Status of Women

John Quinn – Commission on the Status of Women

## REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following names be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Stephen Larson – Administrator of the Alcoholic Beverages Division

Richard Oshlo, Jr. – Director of the Department of Management

Jack P. Ketterer – Administrator of the State Racing and Gaming Commission

RANDY FEENSTRA

## AMENDMENTS FILED

S-5200	H.F.	2456	House
S-5201	H.F.	2399	Gene Fraise
			Robert M. Hogg
			Joe Bolkcom
			Matt McCoy
			Becky Schmitz
			Pam Jochum

			Robert E. Dvorsky
			Wally E. Horn
			Keith A. Kreiman
			Dick L. Dearden
			Staci Appel
S-5202	H.F.	2399	Steven J. Soddors
S-5203	S.F.	2370	Joe M. Seng
S-5204	H.F.	2461	Randy Feenstra
S-5205	H.F.	2466	James F. Hahn
S-5206	H.F.	2399	Robert M. Hogg
S-5207	S.F.	2367	Steven J. Soddors
S-5208	H.F.	2473	Keith A. Kreiman
S-5209	H.F.	2110	Ron Wieck
			James A. Seymour
			Jerry Behn
			Hubert Houser
			Randy Feenstra
			Nancy J. Boettger
			Pat Ward
			Kim Reynolds
			David Johnson
			Brad Zaun
			Tim L. Kapucian
			Steve Kettering
			Larry Noble
			James F. Hahn
			Shawn Hamerlinck
S-5210	H.F.	2432	David Johnson
S-5211	S.F.	2367	Jeff Danielson
S-5212	H.F.	2399	Robert M. Hogg
S-5213	H.F.	2399	Robert M. Hogg
S-5214	H.F.	2399	Robert M. Hogg
S-5215	H.F.	2399	Robert M. Hogg
S-5216	H.F.	2399	John P. Kibbie
			Daryl Beall
			Joe Bolkcom
S-5217	S.F.	2364	Pat Ward
S-5218	H.F.	2399	Robert M. Hogg
S-5219	S.F.	2367	Jeff Danielson

# JOURNAL OF THE SENATE

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FIFTY-NINTH CALENDAR DAY  
THIRTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 10, 2010

The Senate met in regular session at 8:50 a.m., President Kibbie presiding.

Prayer was offered by Monsignor Wayne Ressler, rector of the Cathedral of Saint Raphael in Dubuque, Iowa. He was the guest of Senator Jochum.

The Journal of Tuesday, March 9, 2010, was approved.

## INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Patrick Palmersheim, the governor's appointee to be the Executive Director of the Commission of Veterans Affairs. He was the guest of Senators Beall and Seymour and the committee on Veterans Affairs.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 9, 2010, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 2157**, a bill for an act relating to the recording requirements for certain residential real estate installment sales contracts and including applicability provisions.

**Senate File 2158**, a bill for an act relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process.

**Senate File 2175**, a bill for an act providing for representation of military veterans on certain mental health policy bodies.

**Senate File 2190**, a bill for an act relating to an exemption for a debtor's personal property from execution by creditors in a bankruptcy action.

**Senate File 2216**, a bill for an act allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty.

**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.

**Senate File 2247**, a bill for an act authorizing the modification of the designation of a gaming enforcement officer.

**Senate File 2263**, a bill for an act relating to the office of the long-term care resident's advocate, and providing penalties.

**Senate File 2264**, a bill for an act relating to the review and approval of proposed subdivisions by a city.

**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.

**Senate File 2298**, a bill for an act relating to the attendance of a child at juvenile court hearings or meetings during the pendency of a child in need of assistance case.

**Senate File 2303**, a bill for an act relating to detainers lodged against parolees in this state.

**Senate File 2304**, a bill for an act relating to vehicular accident reporting requirements by increasing the minimum amount of property damage necessitating a written report.

**Senate File 2344**, a bill for an act relating to the violator facility established within the department of corrections.

ALSO: That the House has on March 9, 2010, **amended and passed** the following bills in which the concurrence of the Senate is asked:

**Senate File 2156**, a bill for an act relating to the IowaCare program, and providing for repeals. (S-5221)

**Senate File 2200**, a bill for an act relating to transfer of guardianship for a child in need of assistance to the probate court. (S-5222)

**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. (S-5223)

**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. (S-5225)

**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. (S-5224)

ALSO: That the House has on March 9, 2010, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 816**, a bill for an act allowing the department of revenue to subpoena certain customer records of individuals with a debt placed with the centralized collection unit of the department of revenue and including effective date provisions.

Read first time and referred to committee on **Ways and Means**.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 9:12 a.m. until 3:30 p.m.

## AFTERNOON SESSION

The Senate reconvened at 3:35 p.m., President Kibbie presiding.



## INTRODUCTION OF RESOLUTION

**Senate Resolution 108**, by Dvorsky and Bolkcom, a resolution to celebrate the highlights for the 2009 football season of the University of Iowa football team.

Read first time and referred to committee on **Rules and Administration**.

## FINAL COMMITTEE REPORT OF BILL ACTION

### RULES AND ADMINISTRATION

**Bill Title:** SENATE RESOLUTION 108, a resolution to celebrate the highlights for the 2009 football season of the University of Iowa football team.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Gronstal, Kibbie, McKinley, Courtney, Danielson, Dearden, Dvorsky, Kettering, and Zaun. Nays, none. Absent, 2: Boettger and Ragan.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 108.

### Senate Resolution 108

On motion of Senator Dvorsky, **Senate Resolution 108**, a resolution to celebrate the highlights for the 2009 football season of the University of Iowa football team, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 108, which motion prevailed by a voice vote.

## SPECIAL GUEST

Senator Dvorsky introduced to the Senate chamber Kirk Ferentz, head coach of the University of Iowa football team.

Coach Ferentz addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2466.

**House File 2466**

On motion of Senator Heckroth, **House File 2466**, a bill for an act relating to the license or authorization issued to a person who qualifies as a driver education instructor and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Hahn offered amendment S-5205, filed by him on March 9, 2010, to page 3 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5205 be adopted?" (H.F. 2466), the vote was:

Yeas, 21:

Bartz	Hahn	Kettering	Ward
Behn	Hamerlinck	Kreiman	Wieck
Black	Hartsuch	McKinley	Zaun
Boettger	Houser	Noble	
Dandekar	Johnson	Reynolds	
Feenstra	Kapucian	Seymour	

Nays, 29:

Appel	Fraise	Kibbie	Seng
Beall	Gronstal	McCoy	Sodders
Bolkcom	Hancock	Olive	Stewart
Courtney	Hatch	Quirnbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	
Dotzler	Horn	Schmitz	
Dvorsky	Jochum	Schoenjahn	

Absent, none.

Amendment S-5205 lost.

Senator Heckroth moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2466), the vote was:

Yeas, 34:

Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Black	Gronstal	McCoy	Sodders
Bolkcom	Hancock	Noble	Stewart
Courtney	Hatch	Olive	Ward
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	
Dotzler	Jochum	Schmitz	

Nays, 16:

Bartz	Hahn	Johnson	Reynolds
Behn	Hamerlinck	Kapucian	Seymour
Boettger	Hartsuch	Kettering	Wieck
Feenstra	Houser	McKinley	Zaun

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 **House File 2466** be **immediately messaged** to the House.

UNFINISHED BUSINESS  
(Deferred March 9, 2010)**Senate File 2367**

The Senate resumed consideration of **Senate File 2367**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, deferred March 9, 2010.

Senator Danielson withdrew amendment S-5211, filed by him on March 9, 2010, to pages 1, 2, 7, 11, 12, 14-16, 19, 20, and 22 of the bill.

Senator Danielson offered amendment S-5219, filed by him on March 9, 2010, to pages 1, 2, 7, 11, 12, 14-16, 19, 20, and 22 of the bill.

Senator Danielson offered amendment S-5232, filed by him from the floor to pages 3 and 4 of amendment S-5219, and moved its adoption.

Amendment S-5232 was adopted by a voice vote.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Heckroth, until he returns, on request of Senator Olive.

Senator Danielson moved the adoption of amendment S-5219, as amended.

A record roll call was requested.

On the question “Shall amendment S–5219, as amended, be adopted?” (S.F. 2367), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

Heckroth

Amendment S–5219, as amended, was adopted.

Senator Behn offered amendment S–5186, filed by him on March 4, 2010, to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5186 be adopted?” (S.F. 2367), the vote was:

Yeas, 21:

Bartz	Hamerlinck	McKinley	Ward
Behn	Hartsuch	Noble	Wieck
Black	Houser	Olive	Zaun
Boettger	Johnson	Reynolds	
Feenstra	Kapucian	Rielly	
Hahn	Kettering	Seymour	

Nays, 28:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn

Bolkcom	Fraise	Kibbie	Seng
Courtney	Gronstal	Kreiman	Sodders
Dandekar	Hancock	McCoy	Stewart
Danielson	Hatch	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 1:

Heckroth

Amendment S–5186 lost.

Senator Bartz offered amendment S–5229, filed by him from the floor to page 9 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5229 be adopted?” (S.F. 2367), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 1:

Heckroth

Amendment S–5229 lost.

Senator Sodders offered amendment S–5207, filed by him on March 9, 2010, to pages 14 and 20 and amending the title page of the bill, and moved its adoption.

Amendment S-5207 was adopted by a voice vote.

Senator Bartz offered amendment S-5226, filed by him from the floor to page 20 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5226 be adopted?" (S.F. 2367), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 1:

Heckroth

Amendment S-5226 lost.

Senator Kettering offered amendment S-5227, filed by him from the floor to page 20 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5227 be adopted?" (S.F. 2367), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun

Feenstra	Johnson	Reynolds
Hahn	Kapucian	Seymour

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 1:

Heckroth

Amendment S-5227 lost.

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. 2367), the vote was:

Yeas, 29:

Appel	Dotzler	Kibbie	Seng
Beall	Dvorsky	Kreiman	Sodders
Black	Fraise	Olive	Stewart
Bolkcom	Gronstal	Quirnbach	Warnstadt
Courtney	Hatch	Ragan	Wilhelm
Dandekar	Hogg	Rielly	
Danielson	Horn	Schmitz	
Dearden	Jochum	Schoenjahn	

Nays, 20:

Bartz	Hamerlinck	Kapucian	Reynolds
Behn	Hancock	Kettering	Seymour
Boettger	Hartsuch	McCoy	Ward
Feenstra	Houser	McKinley	Wieck
Hahn	Johnson	Noble	Zaun

Absent, 1:

Heckroth

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.



## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Sodders, until he returns, on request of Senator Gronstal.

UNFINISHED BUSINESS  
(Deferred March 9, 2010)

**Senate File 2364**

The Senate resumed consideration of **Senate File 2364**, a bill for an act relating to the income tax checkoff for the child abuse prevention program fund and including retroactive applicability provisions, deferred March 9, 2010.

Senator Ward offered amendment S-5217, filed by her on March 9, 2010, to pages 1 and 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5217 be adopted?" (S.F. 2364), the vote was:

Yeas, 22:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	McKinley	Ward
Black	Horn	Noble	Wieck
Boettger	Houser	Quirnbach	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seng	

Nays, 26:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Bolkcom	Fraise	Kreiman	Stewart
Courtney	Gronstal	McCoy	Warnstadt
Dandekar	Hancock	Olive	Wilhelm
Danielson	Hatch	Ragan	
Dearden	Hogg	Rielly	

Absent, 2:

Heckroth	Sodders
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Amendment S-5217 lost.

Senator Danielson offered amendment S-5171, filed by Senators Danielson and Hancock on March 1, 2010, to page 2 and amending the title page of the bill, and moved its adoption.

Amendment S-5171 was adopted by a voice vote.

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. 2364), the vote was:

Yeas, 48:

Appel	Dvorsky	Jochum	Reynolds
Bartz	Feenstra	Johnson	Rielly
Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Seymour
Bolkcom	Hancock	McCoy	Stewart
Courtney	Hartsuch	McKinley	Ward
Dandekar	Hatch	Noble	Warnstadt
Danielson	Hogg	Olive	Wieck
Dearden	Horn	Quirnbach	Wilhelm
Dotzler	Houser	Ragan	Zaun

Nays, none.

Absent, 2:

Heckroth	Sodders
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 777.

### House File 777

On motion of Senator Jochum, **House File 777**, a bill for an act relating to open records and public meetings, including the creation of

the open meetings, public records, and privacy advisory committee, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Jochum offered amendment S-5046, filed by the committee on State Government on February 2, 2010, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Jochum offered amendment S-5231, filed by her from the floor to page 8 of amendment S-5046, and moved its adoption.

Amendment S-5231 was adopted by a voice vote.

Senator Jochum moved the adoption of amendment S-5046, as amended.

Amendment S-5046, as amended, 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?" (H.F. 777), the vote was:

Yeas, 35:

Appel	Dotzler	Jochum	Schoenjahn
Bartz	Dvorsky	Johnson	Seng
Beall	Fraise	Kibbie	Seymour
Black	Gronstal	Kreiman	Sodders
Bolkcom	Hamerlinck	Olive	Stewart
Courtney	Hancock	Quirmbach	Ward
Dandekar	Hatch	Ragan	Warnstadt
Danielson	Hogg	Rielly	Wilhelm
Dearden	Horn	Schmitz	

Nays, 13:

Behn	Hartsuch	McKinley	Zaun
Boettger	Houser	Noble	
Feenstra	Kapucian	Reynolds	
Hahn	Kettering	Wieck	

Absent, 2:

Heckroth	McCoy
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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 2364 and 2367** and **House File 777** be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2229.

**House File 2229**

On motion of Senator McCoy, **House File 2229**, a bill for an act prohibiting the imposition by a dental plan of fee schedules for the provision of dental services that are not covered by the plan, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McCoy offered amendment S-5185, filed by the committee on Commerce on March 4, 2010, to page 1 of the bill.

Senator Warnstadt offered amendment S-5233, filed by him from the floor to page 1 of amendment S-5185, and moved its adoption.

Amendment S-5233 was adopted by a voice vote.

Senator McCoy moved the adoption of amendment S-5185, as amended.

Amendment S-5185, as amended, was adopted by a voice vote.

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?" (H.F. 2229), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders

Black	Hamerlinck	McCoy	Stewart
Boettger	Hancock	McKinley	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Courtney	Hatch	Olive	Wieck
Dandekar	Hogg	Quirnbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Heckroth

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 10, 2010, **amended and passed** the following bills in which the concurrence of the Senate is asked:

**Senate File 431**, a bill for an act relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date. (S-5237)

**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. (S-5235)

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2229** be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2374.

**House File 2374**

On motion of Senator Kreiman, **House File 2374**, a bill for an act relating to the definition of serious injury for purposes of criminal offenses, with report of committee recommending passage, 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?" (H.F. 2374), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hancock	McKinley	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Courtney	Hatch	Olive	Wieck
Dandekar	Hogg	Quirnbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Heckroth

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS  
(Deferred March 8, 2010)

**House File 681**

The Senate resumed consideration of **House File 681**, a bill for an act requiring employers to provide notice of business closings and mass layoffs and providing penalties, deferred March 8, 2010.

Senator Zaun offered amendment S-5230, filed by him from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5230 be adopted?" (H.F. 681), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 1:

Heckroth

Amendment S-5230 lost.

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?" (H.F. 681), the vote was:

Yeas, 31:

Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Fraise	Kreiman	Seng
Black	Gronstal	McCoy	Sodders
Bolkcom	Hancock	Olive	Stewart
Courtney	Hatch	Quirnbach	Ward
Danielson	Hogg	Ragan	Warnstadt
Dearden	Horn	Rielly	Wilhelm
Dotzler	Jochum	Schmitz	

Nays, 18:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Wieck
Boettger	Hartsuch	McKinley	Zaun
Dandekar	Houser	Noble	
Feenstra	Johnson	Reynolds	

Absent, 1:

Heckroth

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 House File 2372.

#### **House File 2372**

On motion of Senator Kreiman, **House File 2372**, a bill for an act relating to an assault causing serious injury, with report of committee recommending passage, 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?” (H.F. 2372), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hancock	McKinley	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Courtney	Hatch	Olive	Wieck
Dandekar	Hogg	Quirnbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Heckroth

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS  
(Deferred March 8, 2010)

**House File 2233**

The Senate resumed consideration of **House File 2233**, a bill for an act relating to expunging the conviction for certain alcohol-related offenses, deferred March 8, 2010.

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?” (H.F. 2233), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders

Black	Hamerlinck	McCoy	Stewart
Boettger	Hancock	McKinley	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Courtney	Hatch	Olive	Wieck
Dandekar	Hogg	Quirnbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Heckroth

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 681, 2233, 2372, and 2374** be **immediately messaged** to the House.

#### CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2370.

#### **Senate File 2370**

On motion of Senator Dearden, **Senate File 2370**, a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, and making penalties applicable, placed on the Unfinished Business Calendar on March 4, 2009, was taken up for consideration.

Senator Seng offered amendment S-5203, filed by him on March 9, 2010, to pages 24-26 of the bill.

Senator Bartz asked and received unanimous consent that action on amendment S-5203 and **Senate File 2370** be **deferred**.

## 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:

Mary Schramm, Accountancy Examining Board  
Carol Schuster, Accountancy Examining Board  
Donald Timmins, Accountancy Examining Board

Redmond Jones II, Commission on the Status of African-Americans

Michael Hoenig, Commission for the Blind

Thomas Dye, Boiler and Pressure Vessel Board  
Lynne Rush, Boiler and Pressure Vessel Board

Bradley Brown, Board of Chiropractic

G. Kevin Middleswart, Commission on Community Action Agencies

Richard Sheriff, Board of Cosmetology Arts and Sciences

Paul Becker, Credit Union Review Board  
Jeffrey Hayes, Credit Union Review Board

Mary Kelly, Board of Trustees of the Iowa Cultural Trust  
Henry Neuman, Board of Trustees of the Iowa Cultural Trust

Steven Bradley, Board of Dentistry  
Lynn Curry, Board of Dentistry

Janet Johnson, Board of Dietetics

Todd Christensen, Elevator Safety Board  
Marvin Schumacher, Elevator Safety Board

Robert Dougherty, Iowa Emergency Response Commission

John Peno, Employment Appeal Board

Craig Johnstone, Engineering and Land Surveying Examining Board

Bryan Myers, Engineering and Land Surveying Examining Board

Carole Tillotson, Iowa Ethics and Campaign Disclosure Board

John Walsh, Iowa Ethics and Campaign Disclosure Board

Erik Christian, Generation Iowa Commission

Maura Walsh, Generation Iowa Commission

Robin Anderson, Iowa Great Places Board

Mark Ginsberg, Iowa Great Places Board

Gregory Moore, Board of Hearing Aid Dispensers

Michele Rosenboom, Interior Design Examining Board

Christopher Keahi, Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Phyllis Peterson, Investment Board of the IPERS

Maryjo Welch, Landscape Architectural Examining Board

Tom Drew, Board of Medicine

Colleen Stockdale, Board of Medicine

Joyce Vista-Wayne, Board of Medicine

Barbara Teahen, Board of Mortuary Science

LuJean Welander, Board of Mortuary Science

Mark Hilliard, Board of Nursing

Thomas Kenefick, Board of Nursing Home Administrators

Sharon Tharp, Board of Optometry

Chris Mayer, Peace Officer's Retirement, Accident, and Disability System Trustee

Margaret "Peggy" Whitworth, Board of Pharmacy

Todd Bradley, Board of Physical and Occupational Therapy

Joseph Molnar, Board of Physician Assistants

Charles Thomas, Plumbing and Mechanical Systems Examining Board

Brita Van Horne, Plumbing and Mechanical Systems Examining Board

Gregory Lantz, Board of Podiatry

John Bilsten, Iowa Power Fund Board

James Riordan, Chair of the Public Employment Relations Board

James Kesterson, Real Estate Appraiser Examining Board

Gregory Morehead, Real Estate Appraiser Examining Board

Judith Stevens, Real Estate Commission

Beth Harms, Board of Social Work

Krista Mattson, Board of Social Work

Pamela Duffy, Iowa Telecommunications and Technology Commission

Marilyn Monroe, Vision Iowa Board

Joan Axel, Commission on the Status Of Women

Thomas Carnahan, Commission on the Status Of Women

Kenneth Anderson, Iowa Workforce Development Board

Deborah Groene, Iowa Workforce Development Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hancock	McKinley	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Courtney	Hatch	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Heckroth

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 10, 2010, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 2325**, a bill for an act relating to the practice of mortuary science and to the preneed sale of cemetery and funeral merchandise and funeral services and providing a penalty.

ALSO: That the House has on March 10, 2010, **amended and adopted** the following resolution in which the concurrence of the Senate is asked:

**Senate Joint Resolution 2007**, a joint resolution supporting the preservation efforts for the Battleship Iowa, BB-61. (S-5238)

ALSO: That the House has on March 10, 2010, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 2274**, a bill for an act relating to certain national security and military education benefits and programs. (S-5236)

ALSO: That the House has on March 10, 2010, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 2193**, a bill for an act relating to emergency medical care providers, emergency medical care service programs and emergency medical care services training programs, and providing penalties.

Read first time and attached to **similar Senate File 2311**.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:32 p.m. until 8:45 a.m., Thursday, March 11, 2010.

## APPENDIX

### REPORTS OF COMMITTEE MEETINGS

#### AGRICULTURE

**Convened:** Wednesday, March 10, 2010, 11:20 a.m.

**Members Present:** Fraise, Chair; Olive, Vice Chair; Johnson, Ranking Member; Appel, Behn, Black, Boettger, Hancock, Kibbie, Rielly, Seng, and Soddors.

**Members Absent:** Courtney, Hahn, and Kapucian (all excused).

**Committee Business:** Approved governor's appointees.

**Adjourned:** 11:30 a.m.

#### ENVIRONMENT AND ENERGY INDEPENDENCE

**Convened:** Wednesday, March 10, 2010, 12:40 p.m.

**Members Present:** Hogg, Vice Chair; Behn, Ranking Member; Bolkom, Hancock, Reynolds, Rielly, and Wilhelm.

**Members Absent:** Black, Chair; Hartsuch, Stewart, and Ward (all excused).

**Committee Business:** Approved governor's appointees.

**Adjourned:** 12:45 p.m.

## HUMAN RESOURCES

**Convened:** Wednesday, March 10, 2010, 11:00 a.m.

**Members Present:** Ragan, Chair; Schmitz, Vice Chair; Hartsuch, Ranking Member; Bartz, Boettger, Bolkcom, Dotzler, Hatch, Johnson, Kreiman, Quirmbach, Seymour, and Wilhelm.

**Members Absent:** None.

**Committee Business:** Approved governor's appointees.

**Adjourned:** 11:15 a.m.

## JUDICIARY

**Convened:** Wednesday, March 10, 2010, 12:15 p.m.

**Members Present:** Kreiman, Chair; Hogg, Vice Chair; Kettering, Ranking Member; Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirmbach, Schoenjahn, Soddors, Ward, Warnstadt, and Zaun.

**Members Absent:** None.

**Committee Business:** Approved governor's appointees.

**Adjourned:** 12:25 p.m.

## LOCAL GOVERNMENT

**Convened:** Wednesday, March 10, 2010, 12:05 p.m.

**Members Present:** Quirmbach, Chair; Beall, Vice Chair; Reynolds, Ranking Member; Hamerlinck, Houser, Kreiman, Olive, Rielly, and Schoenjahn.

**Members Absent:** Kapucian and McCoy (both excused).

**Committee Business:** Approved governor's appointees.

**Adjourned:** 12:10 p.m.

## RULES AND ADMINISTRATION

**Convened:** Wednesday, March 10, 2010, 2:20 p.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Courtney, Danielson, Dearden, Dvorsky, Kettering, and Zaun.

**Members Absent:** Boettger and Ragan (both excused).



**Committee Business:** Passed SR 108.

**Adjourned:** 2:25 p.m.

## TRANSPORTATION

**Convened:** Wednesday, March 10, 2010, 11:05 a.m.

**Members Present:** Rielly, Chair; Beall, Vice Chair; Noble, Ranking Member; Dandekar, Hahn, Hancock, McCoy, Reynolds, Warnstadt, and Zaun.

**Members Absent:** Danielson, Heckroth, and Kapucian (all excused).

**Committee Business:** Approved governor's appointees.

**Adjourned:** 11:10 a.m.

## WAYS AND MEANS

**Convened:** Wednesday, March 10, 2010, 1:05 p.m.

**Members Present:** Bolkom, Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, and Wilhelm.

**Members Absent:** McCoy, Vice Chair; Feenstra and Ward (all excused).

**Committee Business:** Approved governor's appointee.

**Adjourned:** 1:10 p.m.

## INTRODUCTION OF RESOLUTION

**Senate Resolution 109**, by Jochum, a resolution celebrating the centennial anniversary of the Dubuque Visiting Nurse Association.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 10, 2010, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2088 – Concerning state government reorganization and efficiency, making appropriations, establishing fees and penalties, and providing effective and applicability provisions.

Senate File 2138 – Relating to the rights of a donee created by an anatomical gift.

Senate File 2194 – Making technical changes to the laws relating to elections and voter registration and including effective date and applicability provisions.

Senate File 2243 – Regarding matters under the purview of the department of natural resources, and including effective date provisions.

Senate File 2246 – Relating to the regulation of motor vehicles by the department of transportation, including modification of the definition of business-trade truck, provisions concerning licensing sanctions and penalties for vehicle recyclers and motor vehicle dealers, annual registration fees for certain vehicles equipped for a person with a disability or used by a person who relies on a wheelchair, requirements for the issuance of temporary persons with disabilities parking permits, and provisions for the operation of certain taxicabs and limousines.

Senate File 2266 – Creating the local public health governance Act, and providing penalties.

Senate File 2355 – Relating to the licensure of persons engaged in fire protection system installation, maintenance, repair, service, or inspection.

## GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

### AGRICULTURE

Cheryl Adam – Agricultural Development Authority  
Lisa Irlbeck – Agricultural Development Authority  
Jayme Unga – Agricultural Development Authority

Joseph Sinclair – Iowa Grain Indemnity Fund Board  
Curtis Sindergard – Iowa Grain Indemnity Fund Board

Jody Kerns – State Soil Conservation Committee

### EDUCATION

Susan Smith – Iowa Autism Council  
Charles Wadle – Iowa Autism Council  
Patrick Westhoff – Iowa Autism Council

Rosemarie Hussey – State Board of Education

Tammy Duehr – Board of Educational Examiners  
Laura Stevens – Board of Educational Examiners

Alice Atkinson – Iowa Empowerment Board  
 Jerome Mohr – Iowa Empowerment Board  
 Sara Monroy-Huddleston – Iowa Empowerment Board  
 John White – Iowa Empowerment Board

Stephanie Savage – Iowa Higher Education Loan Authority

Connie Maxson – School Budget Review Committee  
 Leland Tack – School Budget Review Committee

Atul Gupta – Technology Governance Board

### HUMAN RESOURCES

Troy Kleese – Board of Athletic Training  
 Shaun McCarthy – Board of Athletic Training

Kenneth Fann – Board of Behavioral Science  
 Megan Murphy – Board of Behavioral Science

Gerald Magee – Child Advocacy Board  
 Roberta Payne – Child Advocacy Board  
 Michael Steele – Child Advocacy Board  
 Nancy Ziese – Child Advocacy Board

Jerry Foxhoven – Child Welfare Advisory Committee  
 Nancy Magnall – Child Welfare Advisory Committee

Claibourne Dungy – Prevention of Disabilities Policy Council  
 Scott Lindgren – Prevention of Disabilities Policy Council  
 Maggie Tinsman – Prevention of Disabilities Policy Council

Kimberly Carson – Healthy and Well Kids in Iowa (HAWK-I) Board  
 Joseph Hutter – Healthy and Well Kids in Iowa (HAWK-I) Board

Lynn Crannell – Mental Health, Mental Retardation, Developmental Disabilities and Brain Injury Commission

Richard Crouch – Mental Health, Mental Retardation, Developmental Disabilities and Brain Injury Commission

Richard Heitmann – Mental Health, Mental Retardation, Developmental Disabilities and Brain Injury Commission

Jacobus Lempers – Mental Health, Mental Retardation, Developmental Disabilities and Brain Injury Commission

Raymond Todd – Mental Health, Mental Retardation, Developmental Disabilities and Brain Injury Commission

Gano Whetstone – Mental Health, Mental Retardation, Developmental Disabilities and Brain Injury Commission

Judy Gouldsmith – Board of Sign Language Interpreters and Translitterators  
 David Theobald – Board of Sign Language Interpreters and Translitterators

Cathryn Callaway – Commission on Tobacco Use Prevention and Control  
 Gary Streit – Commission on Tobacco Use Prevention and Control

### **JUDICIARY**

Sheryl Griffith – Board of Corrections

Thomas Ferguson – Criminal and Juvenile Justice Planning Advisory Council

Paul Fitzgerald – Criminal and Juvenile Justice Planning Advisory Council

Michelle Leonard – Criminal and Juvenile Justice Planning Advisory Council

Catherine Reaman-Gerdes – Criminal and Juvenile Justice Planning Advisory Council

John Spinks – Criminal and Juvenile Justice Planning Advisory Council

Thomas Walton – Criminal and Juvenile Justice Planning Advisory Council

Jennifer Davis – Iowa Drug Policy Advisory Council

Eric Snyder – Iowa Drug Policy Advisory Council

Brian Vos – Iowa Drug Policy Advisory Council

Patrick Jackson – Iowa Law Enforcement Academy Council

Elizabeth Robinson – Chair of the Board of Parole

Elizabeth Robinson – Board of Parole

### **LOCAL GOVERNMENT**

Wayne Clinton – Mental Health Risk Pool Board

Marjorie Pitts – Mental Health Risk Pool Board

Peggy Rice – Mental Health Risk Pool Board

### **TRANSPORTATION**

Nancy Richardson – Director of Transportation

Barry Cleaveland – State Transportation Commission

Donald Wiley – State Transportation Commission

### **VETERANS AFFAIRS**

Patrick Palmersheim – Executive Director of the Commission of Veterans Affairs

Becky Dirks Haugsted – Commission of Veterans Affairs

Todd Jacobus – Commission of Veterans Affairs

Darlene McMartin – Commission of Veterans Affairs

## GOVERNOR'S APPOINTEE PLACED ON INDIVIDUAL CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the Individual Confirmation Calendar with recommendation for confirmation:

### JUDICIARY

Ricardo Martinez II – Iowa Law Enforcement Academy Council

### LOCAL GOVERNMENT

Dennis Plautz – City Development Board

### WAYS AND MEANS

Mark Schuling – Director of Revenue

### APPOINTMENTS

The following appointees were resubmitted, with corrections to the originally submitted term dates, to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

#### BY THE GOVERNOR

#### TERM

IOWA ECONOMIC DEVELOPMENT BOARD (Sec. 15.103)

John Lisle, Clarinda

05/01/2010 – 04/30/2014

Daniel White, Dubuque

05/01/2010 – 04/30/2012

### AMENDMENTS FILED

S-5220	S.F.	2368	Randy Feenstra
S-5221	S.F.	2156	House
S-5222	S.F.	2200	House
S-5223	S.F.	2254	House
S-5224	S.F.	2318	House
S-5225	S.F.	2286	House
S-5226	S.F.	2367	Merlin Bartz
S-5227	S.F.	2367	Steve Kettering
S-5228	S.F.	2345	Keith A. Kreiman
S-5229	S.F.	2367	Merlin Bartz
S-5230	H.F.	681	Brad Zaun

S-5231	H.F.	777	Pam Jochum
S-5232	S.F.	2367	Jeff Danielson
S-5233	H.F.	2229	Steve Warnstadt
S-5234	H.F.	726	Robert M. Hogg
S-5235	S.F.	2357	House
S-5236	S.F.	2274	House
S-5237	S.F.	431	House
S-5238	S.J.R.	2007	House

# JOURNAL OF THE SENATE

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SIXTIETH CALENDAR DAY  
THIRTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 11, 2010

The Senate met in regular session at 8:53 a.m., President Kibbie presiding.

Prayer was offered by Pastor Jane Shepherd of the Gowrie United Methodist Church in Gowrie, Iowa. She was the guest of Senator Beall.

The Journal of Wednesday, March 10, 2010, was approved.

## INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Mark Schuling, the governor's appointee to be the Director of Revenue. He was the guest of Senator Bolkcom and the committee on Ways and Means.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 106.

### **Senate Resolution 106**

On motion of Senator Wilhelm, **Senate Resolution 106**, a resolution designating March 2010 as Iowa Women's History Month, with report of committee recommending passage, was taken up for consideration.

Senator Wilhelm moved the adoption of Senate Resolution 106, which motion prevailed by a voice vote.

## SPECIAL GUESTS

In celebration of Women's History Month, Senators Reynolds and Wilhelm welcomed student winners of the 26th Annual "Write Women Back Into History" Essay Contest to the Senate chamber.

The contest is sponsored by the Iowa Commission on the Status of Women, the Iowa Department of Education, and the State Historical Society of Iowa.

### Sixth and Seventh Grades:

First Place: Gaby Baker of Central Elementary in Alleman

Second Place: Olivia Dawson of George Washington Middle School in Dubuque

Third Place: Tess Van Den Hurk-Moran of Emmetsburg Middle School in Emmetsburg

### Eighth and Ninth Grades:

First Place: Bethany Lehman of Nashua-Plainfield High School in Nashua

Second Place: Joy Gnade of Midland Community School in Wyoming

Third Place: Michaela Hoffelmeyer of Winterset High School in Winterset

### Best Essay on Women in Science and Engineering for Sixth and Seventh Grades:

First Place: Emily Bonnstetter of Emmetsburg Middle School in Emmetsburg

Second Place: Alexander Erlandson of Prairie Creek Intermediate School of Cedar Rapids

### Best Essay on Women in Science and Engineering for Eighth and Ninth Grades:

First Place: Kierstyn Feld of Pleasant Valley Junior High School in LeClaire

The Senate rose and expressed its welcome.



## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 10, 2010, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 2272**, a bill for an act relating to the Iowa life and health insurance guaranty association regarding coverage, benefits, duties, powers, rights, the operation of the Iowa life and health insurance guaranty association, and the coordination of coverage and benefits with those of similar associations of other states, and to the Iowa insurance guaranty association with respect to covered claims, benefits, limitations, duties, and powers of the Iowa insurance guaranty association, and coordination and cooperation by it with similar associations of other states.

**Senate File 2326**, a bill for an act modifying disciplinary provisions applicable to real estate brokers and salespersons.

ALSO: That the House has on March 10, 2010, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 2224**, a bill for an act relating to boards of administration for horizontal property. (S-5239)

The Senate stood at ease at 9:08 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:22 a.m., President Kibbie presiding.

UNFINISHED BUSINESS  
(Deferred March 10, 2010)

**Senate File 2370**

The Senate resumed consideration of **Senate File 2370**, a bill for an act relating to various conservation and recreation activities under the purview of the department of natural resources, and making penalties applicable, and amendment S-5203, deferred March 10, 2010.

Senator Seng moved the adoption of amendment S-5203.

Amendment S-5203 was adopted by a voice vote.

President Pro Tempore Danielson took the chair at 10:37 a.m.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Heckroth, until he arrives, on request of Senator Schoenjahn.

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. 2370), the vote was:

Yeas, 29:

Appel	Dvorsky	Kibbie	Seng
Beall	Fraise	McCoy	Sodders
Black	Gronstal	Olive	Stewart
Bolkcom	Hancock	Quirnbach	Warnstadt
Courtney	Hatch	Ragan	Wilhelm
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	
Dotzler	Jochum	Schoenjahn	

Nays, 20:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	Kreiman	Ward
Dandekar	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun

Absent, 1:

Heckroth

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dandekar, until she returns, on request of Senator McCoy.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2357**

Senator Kreiman called up for consideration **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, amended by the House in House amendment S-5235, filed March 10, 2010.

Senator Kreiman 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 Kreiman 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 a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2357), the vote was:

Yeas, 36:

Appel	Hamerlinck	Kettering	Rielly
Beall	Hancock	Kibbie	Schmitz
Bolkcom	Hatch	Kreiman	Schoenjahn
Courtney	Hogg	McCoy	Seng
Danielson	Horn	Noble	Sodders
Dotzler	Houser	Olive	Stewart
Dvorsky	Jochum	Quirnbach	Ward
Fraise	Johnson	Ragan	Warnstadt
Gronstal	Kapucian	Reynolds	Wilhelm

Nays, 12:

Bartz	Boettger	Hahn	Seymour
Behn	Dearden	Hartsuch	Wieck
Black	Feenstra	McKinley	Zaun

Absent, 2:

Dandekar	Heckroth
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 2345

Senator Kreiman called up for consideration **Senate File 2345**, a bill for an act relating to judicial branch administration, child custody and visitation matters, amended by the House in House amendment S-5163, filed March 10, 2010.

Senator Kreiman offered amendment S-5228, filed by him on March 10, 2010, to page 1 of House amendment S-5163, and moved its adoption.

Amendment S-5228 was adopted by a voice vote.

Senator Kreiman moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Kreiman moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2345), the vote was:

Yeas, 48:

Appel	Feenstra	Johnson	Rielly
Bartz	Fraise	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng

Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Quirnbach	Wieck
Dotzler	Houser	Ragan	Wilhelm
Dvorsky	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Dandekar                      Heckroth

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## HOUSE AMENDMENT CONSIDERED

### Senate File 153

Senator Dotzler called up for consideration **Senate File 153**, a bill for an act to allow medical or osteopathic physicians, physician assistants, and advanced registered nurse practitioners to form limited liability companies or professional corporations, amended by the House in House amendment S-5197, filed March 8, 2010.

Senator Dotzler 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 Dotzler 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 a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 153), the vote was:

Yeas, 40:

Appel	Dvorsky	Jochum	Reynolds
Bartz	Fraise	Johnson	Rielly
Beall	Gronstal	Kapucian	Schmitz

Black	Hahn	Kibbie	Schoenjahn
Boettger	Hamerlinck	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Noble	Stewart
Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Quirnbach	Wilhelm
Dotzler	Houser	Ragan	Zaun

Nays, 8:

Behn	Hartsuch	McKinley	Ward
Feenstra	Kettering	Seymour	Wieck

Absent, 2:

Dandekar	Heckroth
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 726 and 674.

#### House File 726

On motion of Senator Hogg, **House File 726**, a bill for an act providing for unincorporated nonprofit associations, and providing for fees and penalties, with report of committee recommending passage, was taken up for consideration.

Senator Hogg offered amendment S-5234, filed by him on March 10, 2010, to pages 19, 20, and 22 of the bill, and moved its adoption.

Amendment S-5234 was adopted by a voice vote.

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. 726), the vote was:

Yeas, 48:

Appel	Feenstra	Johnson	Rielly
Bartz	Fraise	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng

Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Quirnbach	Wieck
Dotzler	Houser	Ragan	Wilhelm
Dvorsky	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Dandekar                      Heckroth

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senator Warnstadt took the chair at 11:31 a.m.

## House File 674

On motion of Senator Hancock, **House File 674**, a bill for an act relating to reporting the treatment of serious wounds received as the result of a crime to a law enforcement agency and making penalties applicable, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Hancock offered amendment S-5195, filed by the committee on Judiciary on March 8, 2010, to page 1 of the bill, and moved its adoption.

Amendment S-5195 was adopted by a voice vote.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 674), the vote was:

Yeas, 48:

Appel	Feenstra	Johnson	Rielly
Bartz	Fraise	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng

Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Quirnbach	Wieck
Dotzler	Houser	Ragan	Wilhelm
Dvorsky	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Dandekar                      Heckroth

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 153, 2345, 2357, and 2370** and **House Files 674 and 726** be **immediately messaged** to the House.

#### CONSIDERATION OF BILLS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 426, 2392, 2377, and 2294.

#### House File 426

On motion of Senator Sodders, **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, with report of committee recommending passage, 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?" (H.F. 426), the vote was:

Yeas, 48:

Appel	Feenstra	Johnson	Rielly
Bartz	Fraise	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn



Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Quirmbach	Wieck
Dotzler	Houser	Ragan	Wilhelm
Dvorsky	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Dandekar                      Heckroth

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### House File 2392

On motion of Senator Kreiman, **House File 2392**, a bill for an act relating to the abuse of a corpse and providing penalties, with report of committee recommending passage, 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?" (H.F. 2392), the vote was:

Yeas, 48:

Appel	Feenstra	Johnson	Rielly
Bartz	Fraise	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Quirmbach	Wieck
Dotzler	Houser	Ragan	Wilhelm
Dvorsky	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Dandekar                      Heckroth

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### House File 2377

On motion of Senator Kreiman, **House File 2377**, a bill for an act relating to extending a period of probation and including applicability provisions, with report of committee recommending passage, 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?" (H.F. 2377), the vote was:

Yeas, 48:

Appel	Feenstra	Johnson	Rielly
Bartz	Fraise	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Quirnbach	Wieck
Dotzler	Houser	Ragan	Wilhelm
Dvorsky	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Dandekar                      Heckroth

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## House File 2294

On motion of Senator Reynolds, **House File 2294**, a bill for an act relating to the distribution of moneys from the disaster aid individual assistance grant fund, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Reynolds offered amendment S-5172, filed by the committee on Rebuild Iowa on March 1, 2010, to page 1 of the bill, and moved its adoption.

Amendment S-5172 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?" (H.F. 2294), the vote was:

Yeas, 48:

Appel	Feenstra	Johnson	Rielly
Bartz	Fraise	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Quirnbach	Wiek
Dotzler	Houser	Ragan	Wilhelm
Dvorsky	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Dandekar                      Heckroth

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 426, 2294, 2377, and 2392** 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:

Claire Celsi, Alcoholic Beverages Commission

Saleem Baig, Architectural Examining Board

Troy Kleese, Board of Athletic Training  
Shaun McCarthy, Board of Athletic Training

Charles Wadle, Iowa Autism Council  
Patrick Westhoff, Iowa Autism Council

Charles Wubbena, Board of Barbering

Kenneth Fann, Board of Behavioral Science

Gerald Magee, Child Advocacy Board  
Roberta Payne, Child Advocacy Board  
Michael Steele, Child Advocacy Board  
Nancy Ziese, Child Advocacy Board

Jerry Foxhoven, Child Welfare Advisory Committee

Leslie Duinink, Board of Chiropractic

Joyce Hoepker, Commission on Community Action Agencies

Sheryl Griffith, Board of Corrections

Thomas Ferguson, Criminal and Juvenile Justice Planning  
Advisory Council  
Paul Fitzgerald, Criminal and Juvenile Justice Planning Advisory  
Council

Catherine Reaman-Gerdes, Criminal and Juvenile Justice Planning Advisory Council

John Spinks, Criminal and Juvenile Justice Planning Advisory Council

Michael Rovner, Board of Dentistry  
Kimberlee Spillers, Board of Dentistry

Maggie Tinsman, Prevention of Disabilities Policy Council

Eric Snyder, Iowa Drug Policy Advisory Council  
Brian Vos, Iowa Drug Policy Advisory Council

George "Curtis" Baugh, Iowa Economic Development Board  
John Bickel, Iowa Economic Development Board  
Jerry Courtney, Iowa Economic Development Board  
Nancy Dunkel, Iowa Economic Development Board  
Rebecca Greenwald, Iowa Economic Development Board  
Sue Jarboe, Iowa Economic Development Board  
Andrea McGuire, Iowa Economic Development Board  
Robert Riley, Jr., Iowa Economic Development Board  
Daniel White, Iowa Economic Development Board

Tammy Duehr, Board of Educational Examiners

Alice Atkinson, Iowa Empowerment Board  
John White, Iowa Empowerment Board

Curtis Sindergard, Iowa Grain Indemnity Fund Board

Theresa Lynch, Iowa Great Places Board

Joseph Hutter, Healthy and Well Kids in Iowa (HAWK-I) Board

Stephanie Savage, Iowa Higher Education Loan Authority

George Youi Sayavong, Commission on the Status of Iowans of Asian and Pacific Islander Heritage

Christopher Seeger, Landscape Architectural Examining Board

Michael Klappholz, Iowa Lottery Authority Board of Directors

Gano Whetstone, Mental Health, Mental Retardation,  
Developmental Disabilities and Brain Injury Commission

Charles Follett, Board of Optometry

Elizabeth Robinson, Chair of the Board of Parole

Elizabeth Robinson, Board of Parole

Eric Barp, Board of Podiatry

Fred Hubbell, Iowa Power Fund Board

Gregory Seyfer, State Racing and Gaming Commission

Kerry George, Board of Respiratory Care

Connie Maxson, School Budget Review Committee

David Theobald, Board of Sign Language Interpreters and  
Translitterators

David Stone, Board of Social Work

Atul Gupta, Technology Governance Board

Gary Streit, Commission on Tobacco Use Prevention and Control

Barry Cleaveland, State Transportation Commission

Donald Wiley, State Transportation Commission

Patrick Palmersheim, Executive Director of the Commission of  
Veterans Affairs

Todd Jacobus, Commission of Veterans Affairs

Dean Upton, Iowa Board of Veterinary Medicine

Fred Diehl, Vision Iowa Board

Jill Olsen, Commission on the Status of Women

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 48:

Appel	Feenstra	Johnson	Rielly
Bartz	Fraise	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Quirnbach	Wieck
Dotzler	Houser	Ragan	Wilhelm
Dvorsky	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Dandekar                      Heckroth

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS  
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Stephen Larson as Administrator of the Alcoholic Beverages Division, placed on the Individual Confirmation Calendar on March 9, 2010, found on page 752 of the Senate Journal.

Senator Kibbie moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 47:

Appel	Feenstra	Johnson	Rielly
Bartz	Fraise	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn

Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Quirnbach	Wieck
Dotzler	Houser	Ragan	Wilhelm
Dvorsky	Jochum	Reynolds	

Nays, 1:

Zaun

Absent, 2:

Dandekar                      Heckroth

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Kay Pence as a member of the Electrical Examining Board, placed on the Individual Confirmation Calendar on February 2, 2010, found on page 259 of the Senate Journal.

Senator Horn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 48:

Appel	Feenstra	Johnson	Rielly
Bartz	Fraise	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Danielson	Hogg	Olive	Warnstadt



Dearden	Horn	Quirnbach	Wieck
Dotzler	Houser	Ragan	Wilhelm
Dvorsky	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Dandekar	Heckroth
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Jack P. Ketterer as Director of the State Racing and Gaming Commission, placed on the Individual Confirmation Calendar on March 9, 2010, found on page 752 of the Senate Journal.

Senator Horn moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

Appel	Feenstra	Kapucian	Schmitz
Bartz	Fraise	Kettering	Schoenjahn
Beall	Gronstal	Kibbie	Seng
Behn	Hahn	Kreiman	Seymour
Black	Hancock	McCoy	Sodders
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Hatch	Noble	Ward
Courtney	Hogg	Olive	Warnstadt
Danielson	Horn	Quirnbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun
Dvorsky	Johnson	Rielly	

Nays, 1:

Hamerlinck

Absent, 2:

Dandekar	Heckroth
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Mark Schuling as Director of Revenue, placed on the Individual Confirmation Calendar on March 10, 2010, found on page 785 of the Senate Journal.

Senator Bolkcom moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 48:

Appel	Feenstra	Johnson	Rielly
Bartz	Fraise	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Quirnbach	Wiek
Dotzler	Houser	Ragan	Wilhelm
Dvorsky	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Dandekar	Heckroth
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

#### BILLS PLACED ON UNFINISHED BUSINESS CALENDAR

Senator Gronstal asked and received unanimous consent that the following bills be placed on the Unfinished Business Calendar:

SF 2290	SF 2335	HF 713
HF 763	HF 2198	HF 2295
HF 2310	HF 2321	HF 2384
HF 2405	HF 2409	HF 2414
HF 2418	HF 2432	HF 2437
HF 2438	HF 2453	HF 2458
HF 2461	HF 2473	HF 2487
HF 2495	HF 2496	

## SPECIAL GUEST

Senator Warnstadt welcomed to the Senate chamber the Honorable Bill Witt, former member of the House from Black Hawk County, Cedar Falls, Iowa.

The Senate rose and expressed its welcome.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 12:17 p.m. until 4:30 p.m.

## RECONVENED

The Senate reconvened at 4:51 p.m., Senator Dotzler presiding.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 11, 2010, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 393**, a bill for an act relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting.

**Senate File 2178**, a bill for an act relating to textbooks and laptop computers or other personal portable computing devices adopted for use by school districts and provided to public and accredited nonpublic school students.

ALSO: That the House has on March 11, 2010, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

**House File 734**, a bill for an act relating to the uniform adult guardianship and protective proceedings Act relating to the establishment, transfer, and recognition of guardianships and

conservatorships in multistate cases, and including effective date and applicability provisions.

**House File 2200**, a bill for an act relating to the carrying of a gun in or on a vehicle on a public highway and making penalties applicable.

**House File 2478**, a bill for an act relating to business organizations, including limited liability companies and business corporations, and providing for fees.

ALSO: That the House has on March 11, 2010, **amended and passed** the following bills in which the concurrence of the Senate is asked:

**Senate File 2343**, a bill for an act relating to the appointment of judicial officers and senior judges. (S-5241)

**Senate File 2352**, a bill for an act relating to the emergency hospitalization of a person with a serious mental impairment. (S-5240)

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:53 p.m. until 1:00 p.m., Monday, March 15, 2010.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Bernice Boston, Oskaloosa—For celebrating her 95<sup>th</sup> birthday. Senator Rielly (3/11/10).

Robert and Carolyn Burrell, Victor—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Rielly (3/11/10).

Winston and Carolyn Claypool, North English—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Rielly (3/11/10).

Marjorie Gambell, Hedrick—For celebrating her 90<sup>th</sup> birthday. Senator Rielly (3/11/10).

Tyler Sash, Oskaloosa—For making second team All-American, 2009 University of Iowa football team. Senator Rielly (3/11/10).

Gene Sheely, Oskaloosa—For celebrating his 90<sup>th</sup> birthday. Senator Rielly (3/11/10).

Pastor Jane Shepherd, Gowrie United Methodist Church—In appreciation for leading the Iowa Senate in prayer as Pastor of the Day. Senator Beall (3/11/10).

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northwest Senate gallery:

International exchange high school students from Afghanistan, Russian, and Ukraine, accompanied by former Representative Bill Witt. Senators Danielson and Dotzler.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convended:** Thursday, March 11, 2010, 12:25 p.m.

**Members Present:** Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolcom, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hahn, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt.

**Members Absent:** None.

**Committee Business:** Approved SSB 3248.

**Recessed:** 12:30 p.m.

**Reconvened:** 1:10 p.m.

**Adjourned:** 1:25 p.m.

## **VETERANS AFFAIRS**

**Convened:** Wednesday, March 3, 2010, 10:45 a.m.

**Members Present:** Beall, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck.

**Members Absent:** None.

**Committee Business:** Passed HF's 755, 2198, 2321, 2384, and 2414.

**Adjourned:** 11:05 a.m.

### **ALSO:**

**Convened:** Tuesday, March 9, 2010, 6:00 p.m.

**Members Present:** Beall, Chair; Seymour, Ranking Member; Black, Danielson, Hartsuch, Kibbie, Noble, Ragan, Sodders, and Wieck.

**Members Absent:** Warnstadt, Vice Chair (excused).

**Committee Business:** Approved governor's appointees.

**Adjourned:** 6:20 p.m.

## **STUDY BILLS RECEIVED**

### **SSB 3249      Appropriations**

Relating to state financial matters, providing for properly related matters, and including effective date and retroactive applicability provisions.

### **SSB 3250      Ways and Means**

Relating to taxation, including the administration and review of certain economic development programs and certain tax incentive

programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions.

## SUBCOMMITTEE ASSIGNMENTS

### House File 816

WAYS AND MEANS: Hogg, Chair; Dotzler and Feenstra

### SSB 3249

APPROPRIATIONS: Dvorsky, Chair; and Kettering

### SSB 3250

WAYS AND MEANS: Bolckcom, Chair; Bartz, Dotzler, McCoy, and Zaun

## GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

### EDUCATION

Karn Johansen (Palmer) – Iowa Autism Council

### ENVIRONMENT AND ENERGY INDEPENDENCE

Diane Dennler – Renewable Fuel Infrastructure Board

Cindi Grover – Renewable Fuel Infrastructure Board

K. Alan Hillgren – Renewable Fuel Infrastructure Board

Jeff Hove – Renewable Fuel Infrastructure Board

## REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

Ruth MacDonald – Iowa Economic Development Board

STEVE KETTERING

## REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

Patrick Jackson – Iowa Law Enforcement Academy Council

LARRY NOBLE

## AMENDMENTS FILED

S-5239	S.F.	2224	House
S-5240	S.F.	2352	House
S-5241	S.F.	2343	House



# JOURNAL OF THE SENATE

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SIXTY-FOURTH CALENDAR DAY  
THIRTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 15, 2010

The Senate met in regular session at 1:10 p.m., President Kibbie presiding.

Prayer was offered by Alan Wiese, pastor of the Chariton United Methodist Church in Chariton, Iowa. He was the guest of Senator McKinley.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Chloe Wilson.

The Journal of Thursday, March 11, 2010, was approved.

## SPECIAL GUESTS

Senator Feenstra welcomed to the Senate chamber the 2010 Orange City Tulip Queen and her court.

The Senate rose and expressed its welcome.

Senator Jochum introduced to the Senate chamber her parents and nephew.

The Senate rose and expressed its welcome.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 1:20 p.m. until 5:30 p.m.

## EVENING SESSION

The Senate reconvened at 5:47 p.m., President Kibbie presiding.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 15, 2010, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 2366**, a bill for an act relating to public funding and regulatory matters and making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date and retroactive applicability provisions. (S-5248)

ALSO: That the House has on March 15, 2010, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 2519**, a bill for an act 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.

Read first time and referred to committee on **Appropriations**.

ALSO: That the House has on March 15, 2010, **insisted** on its amendment to **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, and the Conference Committee members on the part of the House are: The Representative from Jefferson, Representative Hanson and the Representative from Webster, Representative Tjepkes, Co-Chairs; the Representative from Polk, Representative Hagenow; the Representative from Scott, Representative Lykam; the Representative from Polk, Representative Rick Olson.

## APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2456** on the part of the Senate: Senators Danielson, Chair; Rielly, Heckroth, Reynolds, and Kapucian.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Fraise and Hogg, until they arrive, on request of Senator Gronstal.

## CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2375, 2371, and 2361.

### Senate File 2375

On motion of Senator Dotzler, **Senate File 2375**, a bill for an act relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions, 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. 2375), the vote was:

Yeas, 48:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt

Danielson	Horn	Quirnbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Fraise	Hogg
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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 2371

On motion of Senator Dandekar, **Senate File 2371**, a bill for an act relating to royalty fees for removal of sand and gravel from state-owned lands and waters located on the Cedar river in certain counties and including effective date provisions, was taken up for consideration.

Senator Dotzler offered amendment S-5189, filed by him on March 4, 2010, to page 1 of the bill, and moved its adoption.

Amendment S-5189 was adopted by a voice vote.

Senator Dandekar 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. 2371), the vote was:

Yeas, 48:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt

Danielson	Horn	Quirnbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Fraise	Hogg
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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 2369

On motion of Senator Jochum, **Senate File 2369**, a bill for an act relating to the reporting of statewide school infrastructure funding expenditures to the general assembly, 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. 2369), the vote was:

Yeas, 48:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Horn	Quirnbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Fraise	Hogg
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2369, 2371, and 2375** be **immediately messaged** to the House.

CONSIDERATION OF BILL  
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2335.

**Senate File 2335**

On motion of Senator Ragan, **Senate File 2335**, a bill for an act relating to utilization of environmentally preferable cleaning and maintenance products in school facilities and state buildings, placed on the Unfinished Business Calendar on March 11, 2010, was taken up for consideration.

Senator Ragan offered amendment S-5180, filed by her on March 2, 2010, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-5180 was adopted by a voice vote.

With the adoption of amendment S-5180, the Chair ruled amendment S-5110, filed by Senator Johnson on February 22, 2010, to pages 1-3 and amending the title page of the bill, out of order.

Senator Ragan asked and received unanimous consent that **House File 823** be **substituted** for **Senate File 2335**.

**House File 823**

On motion of Senator Ragan, **House File 823**, a bill for an act relating to utilization of environmentally preferable cleaning and maintenance products in school facilities and state buildings, was taken up for consideration.

Senator Ragan 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. 823), the vote was:

Yeas, 28:

Bartz	Dearden	Jochum	Schmitz
Beall	Dotzler	Kibbie	Schoenjahn
Black	Dvorsky	McCoy	Seng
Bolkcom	Gronstal	Olive	Sodders
Courtney	Hatch	Quirmbach	Stewart
Dandekar	Heckroth	Ragan	Warnstadt
Danielson	Horn	Rielly	Wilhelm

Nays, 20:

Appel	Hamerlinck	Kapucian	Reynolds
Behn	Hancock	Kettering	Seymour
Boettger	Hartsuch	Kreiman	Ward
Feenstra	Houser	McKinley	Wieck
Hahn	Johnson	Noble	Zaun

Absent, 2:

Fraise	Hogg
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## WITHDRAWN

Senator Ragan asked and received unanimous consent that **Senate File 2335** be **withdrawn** from further consideration of the Senate.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2286

Senator Dotzler called up for consideration **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, amended by the House in House amendment S-5225, filed March 10, 2010.

Senator Dotzler 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 Dotzler 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 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	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Horn	Quirnbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Fraise                      Hogg

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2254

Senator Schoenjahn called up for consideration **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, amended by the House in House amendment S-5223, filed March 10, 2010.



Senator Schoenjahn 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 Schoenjahn 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 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	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Horn	Quirnbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Fraise                      Hogg

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 2254 and 2286** and **House File 823** be **immediately messaged** to the House.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2224**

Senator Beall called up for consideration **Senate File 2224**, a bill for an act relating to boards of administration for horizontal property, amended by the House in House amendment S-5239, filed March 11, 2010.

Senator Beall 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 Beall 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 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, 46:

Appel	Dvorsky	Johnson	Schoenjahn
Bartz	Feenstra	Kapucian	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hancock	Noble	Ward
Bolkcom	Hartsuch	Olive	Warnstadt
Courtney	Hatch	Quirnbach	Wieck
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Horn	Reynolds	Zaun
Dearden	Houser	Rielly	
Dotzler	Jochum	Schmitz	

Nays, 2:

Kettering	McKinley
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Absent, 2:

Fraise	Hogg
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2156**

Senator Hatch called up for consideration **Senate File 2156**, a bill for an act relating to the IowaCare program, and providing for repeals, amended by the House in House amendment S-5221, filed March 10, 2010.

Senator Hatch 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 Hatch 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 a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2156), the vote was:

Yeas, 48:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Horn	Quirnbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Fraise                      Hogg

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL  
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2461.

**House File 2461**

On motion of Senator Wilhelm, **House File 2461**, a bill for an act relating to school business official training and authorization, placed on the Unfinished Business Calendar on March 11, 2010, with report of committee recommending passage, was taken up for consideration.

Senator Feenstra offered amendment S-5204, filed by him on March 9, 2010, to page 2 of the bill, and moved its adoption.

On the question "Shall amendment S-5204 be adopted?" (H.F. 2461), the vote was:

Yeas, 21:

Bartz	Hamerlinck	Kreiman	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Dandekar	Johnson	Olive	
Feenstra	Kapucian	Reynolds	
Hahn	Kettering	Seymour	

Nays, 27:

Appel	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Gronstal	McCoy	Sodders
Bolkcom	Hancock	Quirnbach	Stewart
Courtney	Hatch	Ragan	Warnstadt
Danielson	Heckroth	Rielly	Wilhelm
Dearden	Horn	Schmitz	

Absent, 2:

Fraise	Hogg
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Amendment S-5204 lost.

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?" (H.F. 2461), the vote was:

Yeas, 27:

Appel	Dearden	Jochum	Schoenjahn
Beall	Dotzler	Kibbie	Seng
Black	Dvorsky	McCoy	Sodders
Bolkcom	Gronstal	Quirnbach	Stewart
Courtney	Hatch	Ragan	Warnstadt
Dandekar	Heckroth	Rielly	Wilhelm
Danielson	Horn	Schmitz	

Nays, 21:

Bartz	Hancock	Kreiman	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Olive	
Hahn	Kapucian	Reynolds	
Hamerlinck	Kettering	Seymour	

Absent, 2:

Fraise	Hogg
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2156 and 2224** and **House File 2461** be **immediately messaged** to the House.

### CONSIDERATION OF BILLS (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2418, 2409, and 2295.

## House File 2418

On motion of Senator Wilhelm, **House File 2418**, a bill for an act relating to periodic evaluations of certain air quality standards, placed on the Unfinished Business Calendar on March 11, 2010, with report of committee recommending passage, 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?" (H.F. 2418), the vote was:

Yeas, 37:

Appel	Gronstal	Kibbie	Seng
Beall	Hahn	Kreiman	Sodders
Black	Hancock	McCoy	Stewart
Bolkcom	Hatch	Noble	Ward
Courtney	Heckroth	Olive	Warnstadt
Dandekar	Horn	Quirnbach	Wilhelm
Danielson	Houser	Ragan	Zaun
Dearden	Jochum	Rielly	
Dotzler	Johnson	Schmitz	
Dvorsky	Kapucian	Schoenjahn	

Nays, 11:

Bartz	Feenstra	Kettering	Seymour
Behn	Hamerlinck	McKinley	Wieck
Boettger	Hartsuch	Reynolds	

Absent, 2:

Fraise	Hogg
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## House File 2409

On motion of Senator Schmitz, **House File 2409**, a bill for an act eliminating specified mortgage loan disclosure statement filing requirements applicable to financial institutions, placed on the

Unfinished Business Calendar on March 11, 2010, with report of committee recommending passage, 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?" (H.F. 2409), the vote was:

Yeas, 48:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Horn	Quirnbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Fraise                      Hogg

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## House File 2295

On motion of Senator Schmitz, **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, placed on the Unfinished Business Calendar on March 11, 2010, with report of committee recommending passage, was taken up for consideration.

Senator McKinley offered amendment S-5246, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5246 be adopted?" (H.F. 2295), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 30:

Appel	Dotzler	Kibbie	Schoenjahn
Beall	Dvorsky	Kreiman	Seng
Black	Gronstal	McCoy	Sodders
Bolkcom	Hancock	Olive	Stewart
Courtney	Hatch	Quirnbach	Warnstadt
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Horn	Rielly	
Dearden	Jochum	Schmitz	

Absent, 2:

Fraise	Hogg
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Amendment S-5246 lost.

Senator McKinley offered amendment S-5244, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5244 be adopted?" (H.F. 2295), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 30:

Appel	Dotzler	Kibbie	Schoenjahn
Beall	Dvorsky	Kreiman	Seng
Black	Gronstal	McCoy	Sodders



Bolkcom	Hancock	Olive	Stewart
Courtney	Hatch	Quirnbach	Warnstadt
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Horn	Rielly	
Dearden	Jochum	Schmitz	

Absent, 2:

Fraise	Hogg
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Amendment S-5244 lost.

Senator Schmitz moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2295), the vote was:

Yeas, 37:

Appel	Dvorsky	Kapucian	Schoenjahn
Beall	Feenstra	Kibbie	Seng
Black	Gronstal	Kreiman	Sodders
Boettger	Hahn	McCoy	Stewart
Bolkcom	Hancock	Noble	Ward
Courtney	Hatch	Olive	Warnstadt
Dandekar	Heckroth	Quirnbach	Wilhelm
Danielson	Horn	Ragan	
Dearden	Jochum	Rielly	
Dotzler	Johnson	Schmitz	

Nays, 11:

Bartz	Hartsuch	McKinley	Wieck
Behn	Houser	Reynolds	Zaun
Hamerlinck	Kettering	Seymour	

Absent, 2:

Fraise	Hogg
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2295, 2409, and 2418** 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:

Susan Bowersox, Architectural Examining Board

Karn Johansen (Palmer), Iowa Autism Council

Joseph Rodenkirk, Boiler and Pressure Vessel Board

Thomas Walton, Criminal and Juvenile Justice Planning Advisory Council

John Lisle, Iowa Economic Development Board

Russell Allen, Elevator Safety Board

Peter Fromm, Elevator Safety Board

H. Scott Sankey, Interior Design Examining Board

Kate Gronstal, Iowa Jobs Board

Thomas Cornwell, Commission on Native American Affairs

Mary Johnson, Board of Psychology

K. Alan Hillgren, Renewable Fuel Infrastructure Board

Cathryn Callaway, Commission on Tobacco Use Prevention and Control

Phyllis Peters, Commission on the Status of Women

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 48:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Horn	Quirnbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Fraise                      Hogg

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

### CONFIRMATION OF GOVERNOR’S APPOINTMENT (Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Richard Oshlo, Jr. as Director of the Department of Management, placed on the Individual Confirmation Calendar on March 9, 2010, found on page 752 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 48:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart

Courtney	Hatch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Horn	Quirnbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun

Nays, none.

Absent, 2:

Fraise                      Hogg

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 7:20 p.m. until 8:45 a.m., Tuesday, March 16, 2010.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Coach Casey Korn, Calamus Wheatland High School—For receiving second place in the 2010 Class 1-A Boys' State Basketball Tournament. Senator Hamerlinck (3/15/10).

Tim Olson, Ankeny—For his many years of service as an educator in the Ankeny Community School System and Coach for the Ankeny High School Boys' Basketball team. Senator Noble (3/15/10).

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northwest Senate gallery:

Four high school students from Marshalltown High School, accompanied by Erin Weatherly, IJAG. Senator Soddors.

Members of the Information Operations Field Support Team A, Iowa National Guard, whose mobilization will be on March 16, 2010. Senator Warnstadt.

## REPORTS OF COMMITTEE MEETINGS

## APPROPRIATIONS

**Convened:** Monday, March 15, 2010, 2:10 p.m.

**Members Present:** Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Dotzler, Feenstra, Hahn, Hancock, Hatch, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt.

**Members Absent:** Fraise and Hogg (both excused).

**Committee Business:** Approved SSBs 3242 and 3243.

**Recessed:** 2:15 p.m.

**Reconvened:** 2:45 p.m.

**Adjourned:** 3:10 p.m.

## LABOR AND BUSINESS RELATIONS

**Convened:** Monday, March 1, 2010, 2:45 p.m.

**Members Present:** Courtney, Chair; Jochum, Vice Chair; Ward, Ranking Member; Dearden, Dotzler, Hatch, Horn, Houser, Wieck, and Zaun.

**Members Absent:** Gronstal (excused).

**Committee Business:** Passed HF 681.

**Adjourned:** 2:50 p.m.

## ALSO:

**Convened:** Thursday, March 4, 2010, 11:30 a.m.

**Members Present:** Courtney, Chair; Jochum, Vice Chair; Ward, Ranking Member; Dotzler, Hatch, Horn, Houser, Wieck, and Zaun.

**Members Absent:** Dearden and Gronstal (both excused).

**Committee Business:** Passed HF 2485.

**Adjourned:** 11:35 a.m.

## WAYS AND MEANS

**Convened:** Monday, March 15, 2010, 3:20 p.m.

**Members Present:** Bolkcom, Chair; McCoy, Vice Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

**Members Absent:** Hogg (excused).

**Committee Business:** Approved SSB 3250.

**Adjourned:** 3:50 p.m.

## INTRODUCTION OF BILLS

**Senate File 2376**, by committee on Appropriations, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and including effective date and applicability provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

**Senate File 2377**, by committee on Appropriations, a bill for an act relating to and making appropriations to the judicial branch.

Read first time under Rule 28 and **placed on Appropriations calendar**.

**Senate File 2378**, by committee on Appropriations, a bill for an act relating to and making appropriations to the justice system, providing for fees and fines, and including effective date provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

## FINAL COMMITTEE REPORTS OF BILL ACTION

### APPROPRIATIONS

**Bill Title:** \*SENATE FILE 2376 (SSB 3248), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and including effective date and applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 16: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. 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 Appropriations Committee on Senate File 2376, and they were attached to the committee report.

**ALSO:**

**Bill Title:** SENATE FILE 2377 (SSB 3242), a bill for an act relating to and making appropriations to the judicial branch.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Hancock, Hatch, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, 2: Fraise and Hogg.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** \*SENATE FILE 2378 (SSB 3243), a bill for an act relating to and making appropriations to the justice system, providing for fees and fines, and including effective date provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Hancock, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, Seymour. Absent, 3: Fraise, Hatch, and Hogg.

**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 Appropriations Committee on Senate File 2378, and they were attached to the committee report.

**BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 12<sup>th</sup> day of March, 2010:

Senate File 2247.

MICHAEL E. MARSHALL  
Secretary of the Senate

**BILL SIGNED BY THE GOVERNOR**

A communication was received announcing that on March 15, 2010, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2247 – Authorizing the modification of the designation of a gaming enforcement officer.

**WITHDRAWAL AND DEFERRAL OF  
GOVERNOR'S APPOINTEE**

The following letters from the Governor were received in the office of the Secretary of the Senate on March 12, 2010:

I am withdrawing the name of Ruth MacDonald to serve as an Iowa Economic Development Board member from further consideration by the Senate.

Pursuant to Iowa Code section 15.103, please accept this letter as the notice of deferment of the appointment to the Iowa Economic Development Board, formerly held by Ruth MacDonald. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Sincerely,  
CHESTER J. CULVER  
Governor



## AMENDMENTS FILED

S-5242	S.F.	2374	Randy Feenstra James F. Hahn Hubert Houser Shawn Hamerlinck Brad Zaun Steve Kettering Paul McKinley Ron Wieck James A. Seymour David Hartsuch Merlin Bartz Pat Ward Larry Noble David Johnson Tim L. Kapucian Kim Reynolds Nancy J. Boettger
S-5243	S.F.	2374	Randy Feenstra James F. Hahn Hubert Houser Shawn Hamerlinck Steve Kettering Paul McKinley Ron Wieck James A. Seymour David Hartsuch Merlin Bartz Pat Ward Larry Noble David Johnson Tim L. Kapucian Kim Reynolds Nancy J. Boettger
S-5244	H.F.	2295	Paul McKinley
S-5245	S.F.	2290	Swati A. Dandekar Matt McCoy Jack Hatch Steven J. Soddors Steve Warnstadt

			William A. Dotzler, Jr.
			Shawn Hamerlinck
			David Johnson
			Kim Reynolds
			Jerry Behn
			Paul McKinley
S-5246	H.F.	2295	Paul McKinley
S-5247	S.F.	2374	Randy Feenstra
S-5248	S.F.	2366	House
S-5249	S.F.	2374	David Johnson
S-5250	S.F.	2374	Brad Zaun
			Larry Noble
			Pat Ward
			James A. Seymour
			Ron Wieck
			Paul McKinley
			Steve Kettering
			Nancy J. Boettger
			Kim Reynolds
			Tim L. Kapucian
			David Johnson
			Shawn Hamerlinck
			Hubert Houser
			James F. Hahn
			Randy Feenstra

# JOURNAL OF THE SENATE

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SIXTY-FIFTH CALENDAR DAY  
THIRTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 16, 2010

The Senate met in regular session at 8:49 a.m., President Kibbie presiding.

Prayer was offered by Reverend Steven C. Hetzel, pastor of the Emmanuel Lutheran Church in Shenandoah, Iowa. He was the guest of Senator Houser.

The Journal of Monday, March 15, 2010, was approved.

## INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Nancy Richardson, the governor's appointee to be the Director of Transportation. She was the guest of Senator Heckroth and the committee on Transportation.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 8:57 a.m. until 12:30 p.m.

## AFTERNOON SESSION

The Senate reconvened at 12:35 p.m., President Pro Tempore Danielson presiding.

## QUORUM CALL

Senator Bolkom requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

President Kibbie took the chair at 12:40 p.m.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McCoy, until he arrives, on request of Senator Gronstal.

### CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2377, 2378, and 2376.

#### Senate File 2377

On motion of Senator Hancock, **Senate File 2377**, a bill for an act relating to and making appropriations to the judicial branch, was taken up for consideration.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2377), the vote was:

Yeas, 31:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	Kreiman	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirnbach	Warnstadt
Danielson	Heckroth	Ragan	Wilhelm
Dearden	Hogg	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck

Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

McCoy

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### **Senate File 2378**

On motion of Senator Hancock, **Senate File 2378**, a bill for an act relating to and making appropriations to the justice system, providing for fees and fines, and including effective date provisions, was taken up for consideration.

Senator Kettering raised the point of order that Senate File 2378 should be referred to the committee on Ways and Means.

The Chair ruled the point well-taken.

(Senate File 2378 was deferred.)

### **BILL REFERRED TO COMMITTEE**

President Kibbie announced that **Senate File 2378** be referred from the Appropriations Calendar to the committee on **Ways and Means**.

### **SPECIAL GUESTS**

Senator Black introduced to the Senate chamber Mr. Rokugawa of Shin Shu Ham, Mr. Ishii of Maruha Nichiro, and Mr. Ono of Westwood Seaford. They were accompanied by May-May Ng and in Iowa to visit several Iowa pork farms and pork packers.

The Senate rose and expressed its welcome.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 12:59 p.m. until the completion of a meeting of the committee on Ways and Means.

## RECONVENED

The Senate reconvened at 1:15 p.m., President Kibbie presiding.

## FINAL COMMITTEE REPORT OF BILL ACTION

## WAYS AND MEANS

**Bill Title:** SENATE FILE 2378, a bill for an act relating to and making appropriations to the justice system, providing for fees and fines, and including effective date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Bolkom, McCoy, Dandekar, Dotzler, Hogg, Jochum, Quirnbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 3: Zaun, Bartz, and Houser. Absent, 3: Feenstra, Hamerlinck, and Ward.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

The Senate resumed consideration of Senate File 2378.

Senator Hancock offered amendment S-5259, filed by him from the floor to pages 29 and 30 of the bill, and moved its adoption.

Amendment S-5259 was adopted by a voice vote.

Senator Wieck offered amendment S-5257, filed by him from the floor to page 31 of the bill, and moved its adoption.

Amendment S-5257 lost by a voice vote.

Senator Kettering asked and received unanimous consent that action on **Senate File 2378** be **deferred**.

## Senate File 2376

On motion of Senator Schoenjahn, **Senate File 2376**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and including effective date and applicability provisions, was taken up for consideration.

Senator Schoenjahn offered amendment S-5252, filed by him from the floor to pages 9, 23, and 28 of the bill.

Senator Boettger asked and received unanimous consent that action on amendment S-5252 and **Senate File 2376** be **deferred**.

## HOUSE AMENDMENT CONSIDERED

## Senate File 2352

Senator Soddors called up for consideration **Senate File 2352**, a bill for an act relating to the emergency hospitalization of a person with a serious mental impairment, amended by the House in House amendment S-5240, filed March 11, 2010.

Senator Soddors 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 Soddors 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 a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2352), 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.

#### HOUSE AMENDMENT CONSIDERED

#### Senate File 2318

Senator Warnstadt called up for consideration **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, amended by the House in House amendment S-5224, filed March 10, 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 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.

### CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2438 and 2437.

#### **House File 2438**

On motion of Senator Kreiman, **House File 2438**, a bill for an act relating to the criminal offense of enticing or attempting to entice a minor and providing penalties, placed on the Unfinished Business Calendar on March 11, 2010, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kreiman offered amendment S-5194, filed by the committee on Judiciary on March 8, 2010, to page 1 of the bill, and moved its adoption.

Amendment S-5194 was adopted by a voice vote.

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?" (H.F. 2438), 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.

### House File 2437

On motion of Senator Wilhelm, **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, placed on the Unfinished Business Calendar on March 11, 2010, with report of committee recommending passage, was taken up for consideration.

Senator Hogg offered amendment S-5187, filed by him on March 4, 2010, to page 2 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5187 be adopted?" (H.F. 2437), the vote was:

Yeas, 11:

Bolkcom	Dotzler	Heckroth	Olive
Danielson	Dvorsky	Hogg	Quirnbach
Dearden	Hatch	Horn	

Nays, 39:

Appel	Gronstal	Kibbie	Seng
Bartz	Hahn	Kreiman	Seymour
Beall	Hamerlinck	McCoy	Sodders
Behn	Hancock	McKinley	Stewart

Black	Hartsuch	Noble	Ward
Boettger	Houser	Ragan	Warnstadt
Courtney	Jochum	Reynolds	Wieck
Dandekar	Johnson	Rielly	Wilhelm
Feenstra	Kapucian	Schmitz	Zaun
Fraise	Kettering	Schoenjahn	

Absent, none.

Amendment S–5187 lost.

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?” (H.F. 2437), the vote was:

Yeas, 44:

Appel	Fraise	Kapucian	Schmitz
Bartz	Gronstal	Kettering	Schoenjahn
Beall	Hahn	Kibbie	Seng
Behn	Hamerlinck	Kreiman	Seymour
Black	Hancock	McCoy	Sodders
Boettger	Hartsuch	McKinley	Stewart
Courtney	Heckroth	Noble	Ward
Dandekar	Horn	Olive	Warnstadt
Danielson	Houser	Ragan	Wieck
Dotzler	Jochum	Reynolds	Wilhelm
Feenstra	Johnson	Rielly	Zaun

Nays, 6:

Bolkcom	Dvorsky	Hogg
Dearden	Hatch	Quirnbach

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 2318, 2352, and 2377** and **House Files 2437 and 2438** be **immediately messaged** to the House.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Zaun, until he returns, on request of Senator McKinley; and Senator Warnstadt, until he returns, on request of Senator Gronstal.

## BUSINESS PENDING

**Senate File 2378**

The Senate resumed consideration of **Senate File 2378**, a bill for an act relating to and making appropriations to the justice system, providing for fees and fines, and including effective date provisions, with report of committee on Ways and Means recommending passage, previously deferred.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2378), the vote was:

Yeas, 31:

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	Quirmbach	Wilhelm
Dearden	Hogg	Ragan	

Nays, 17:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 2:

Warnstadt	Zaun
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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 2376

The Senate resumed consideration of **Senate File 2376**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and including effective date and applicability provisions, and amendment S-5252, previously deferred.

Senator Schoenjahn moved the adoption of amendment S-5252.

A record roll call was requested.

On the question "Shall amendment S-5252 be adopted?" (S.F. 2376), the vote was:

Yeas, 48:

Appel	Dvorsky	Houser	Ragan
Bartz	Feenstra	Jochum	Reynolds
Beall	Fraise	Johnson	Rielly
Behn	Gronstal	Kapucian	Schmitz
Black	Hahn	Kettering	Schoenjahn
Boettger	Hamerlinck	Kibbie	Seng
Bolkcom	Hancock	Kreiman	Seymour
Courtney	Hartsuch	McCoy	Sodders
Dandekar	Hatch	McKinley	Stewart
Danielson	Heckroth	Noble	Ward
Dearden	Hogg	Olive	Wieck
Dotzler	Horn	Quirmbach	Wilhelm

Nays, none.

Absent, 2:

Warnstadt            Zaun

Amendment S-5252 was adopted.

With the adoption of amendment S-5252, the Chair ruled amendment S-5256, filed by Senator Feenstra, et al., from the floor to

pages 19, 20, 24, 25, 27, and 28, and amending the title page of the bill, out of order.

Senator McKinley offered amendment S-5260, filed by him from the floor to page 10 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5260 be adopted?" (S.F. 2376), the vote was:

Yeas, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	Kreiman	Ward
Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	

Nays, 30:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Fraise	Kibbie	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Hatch	Quirmbach	Wilhelm
Danielson	Heckroth	Ragan	
Dearden	Hogg	Rielly	

Absent, 1:

Warnstadt

Amendment S-5260 lost.

Senator Kapucian offered amendment S-5262, filed by him from the floor to page 12 of the bill, and moved its adoption.

Amendment S-5262 was adopted by a voice vote.

Senator Boettger offered amendment S-5253, filed by Senator Boettger, et al., from the floor to page 19 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5253 be adopted?” (S.F. 2376), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 31:

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	Wilhelm
Dearden	Hogg	Ragan	

Absent, 1:

Warnstadt

Amendment S–5253 lost.

Senator Schmitz offered amendment S–5251, filed by her from the floor to pages 19 and 27 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5251 be adopted?” (S.F. 2376), the vote was:

Yeas, 47:

Appel	Feenstra	Jochum	Rielly
Bartz	Fraise	Johnson	Schmitz
Beall	Gronstal	Kapucian	Schoenjahn
Behn	Hahn	Kettering	Seng
Black	Hamerlinck	Kibbie	Seymour
Boettger	Hancock	Kreiman	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Dandekar	Hatch	Noble	Ward

Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirnbach	Wilhelm
Dotzler	Horn	Ragan	Zaun
Dvorsky	Houser	Reynolds	

Nays, 2:

Courtney	McCoy
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Absent, 1:

Warnstadt

Amendment S-5251 was adopted.

Senator Feenstra offered amendment S-5263, filed by Senator Feenstra, et al., from the floor to pages 19, 20, 24, and 25 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5263 be adopted?" (S.F. 2376), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 31:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Soddars
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirnbach	Wilhelm
Dearden	Hogg	Ragan	

Absent, 1:

Warnstadt

Amendment S-5263 lost.



Senator Boettger offered amendment S-5254, filed by Senator Boettger, et al., from the floor to pages 20 and 23 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5254 be adopted?" (S.F. 2376), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 31:

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	Quirmbach	Wilhelm
Dearden	Hogg	Ragan	

Absent, 1:

Warnstadt

Amendment S-5254 lost.

Senator Ward offered amendment S-5258, filed by her from the floor to pages 23 and 24 of the bill.

Senator Hogg raised the point of order that amendment S-5258 was not germane to the bill.

(Senate File 2376 and amendment S-5258 were deferred.)

The Senate stood at ease at 3:25 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:43 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2376 and amendment S-5258.

The Chair ruled the point not well-taken and amendment S-5258 in order.

Senator Ward moved the adoption of amendment S-5258.

A record roll call was requested.

On the question "Shall amendment S-5258 be adopted?" (S.F. 2376), the vote was:

Yeas, 49:

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	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Warnstadt

Amendment S-5258 was adopted.

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. 2376), the vote was:

Yeas, 29:

Appel	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Black	Fraise	Kibbie	Sodders
Bolkcom	Gronstal	McCoy	Stewart
Courtney	Hancock	Olive	Wilhelm

Dandekar	Hatch	Ragan
Danielson	Heckroth	Rielly
Dearden	Hogg	Schmitz

Nays, 20:

Bartz	Hamerlinck	Kettering	Reynolds
Behn	Hartsuch	Kreiman	Seymour
Boettger	Houser	McKinley	Ward
Feenstra	Johnson	Noble	Wieck
Hahn	Kapucian	Quirnbach	Zaun

Absent, 1:

Warnstadt

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 2376** and **2378** be **immediately messaged** to the House.

President Pro Tempore Danielson took the chair at 4:20 p.m.

### CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2487.

### House File 2487

On motion of Senator Hogg, **House File 2487**, a bill for an act relating to the allocation, issuance, reporting, recapture, and reallocation of recovery zone bonds, and including effective date provisions, placed on the Unfinished Business Calendar on March 11, 2010, with report of committee recommending passage, 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. 2487), the vote was:

Yeas, 49:

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	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Warnstadt

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## HOUSE AMENDMENT CONSIDERED

### Senate Joint Resolution 2007

Senator Kibbie called up for consideration **Senate Joint Resolution 2007**, a joint resolution supporting the preservation efforts for the Battleship Iowa, BB-61, amended by the House in House amendment S-5238, filed March 8, 2010.

Senator Kibbie 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 Kibbie moved that the resolution, 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 a voice vote, and the resolution was read the last time.

On the question “Shall the resolution pass?” (S.J.R. 2007), the vote was:

Yeas, 49:

Appel	Feenstra	Johnson	Schmitz
Bartz	Fraise	Kapucian	Schoenjahr
Beall	Gronstal	Kettering	Seng
Behn	Hahn	Kibbie	Seymour
Black	Hamerlinck	Kreiman	Sodders
Boettger	Hancock	McCoy	Stewart
Bolkcom	Hartsuch	McKinley	Ward
Courtney	Hatch	Noble	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirmbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Warnstadt

The resolution, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Joint Resolution 2007** and **House File 2487** 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:

Cheryl Adam, Agricultural Development Authority  
 Lisa Irlbeck, Agricultural Development Authority  
 Jayme Ungs, Agricultural Development Authority

Megan Murphy, Board of Behavioral Science

Michelle Leonard, Criminal and Juvenile Justice Planning  
Advisory Council

Scott Lindgren, Prevention of Disabilities Policy Council

Marcia Rogers, Iowa Economic Development Board

Toby Shine, Iowa Economic Development Board

Rosemarie Hussey, State Board of Education

Jerome Mohr, Iowa Empowerment Board

Christine Ralston, Generation Iowa Commission

Khara Washington, Generation Iowa Commission

Donechanh Southammavong, Commission on the Status of Iowans  
of Asian and Pacific Islander Heritage

Mary Belieu, Board of Massage Therapy

Luella Rodemeyer, Board of Massage Therapy

Richard Crouch, Mental Health, Mental Retardation,  
Developmental Disabilities and Brain Injury Commission

Richard Heitmann, Mental Health, Mental Retardation,  
Developmental Disabilities and Brain Injury Commission

Peggy Rice, Mental Health Risk Pool Board

Leslie Lewis, Board of Nursing

Jeannine Bunge, Board of Nursing Home Administrators  
(Appointment & Reappointment)

DeeAnn Wedemeyer-Oleson, Board of Pharmacy

Erin Hytrek, Board of Physical and Occupational Therapy

Theresa Hegmann, Board of Physician Assistants

Susan Koehler, Board of Physician Assistants

Jane Hagedorn, Plumbing and Mechanical Systems Examining  
Board

Denise Mandi, Board of Podiatry

Eugene Glass, Board of Psychology

James Moody, Board of Psychology

Leland Tack, School Budget Review Committee

Judy Gouldsmith, Board of Sign Language Interpreters and Transliterators

Katinka Keith, Board of Social Work

Jody Kerns, State Soil Conservation Committee

Becky Dirks Haugsted, Commission of Veterans Affairs

John Quinn, Commission on the Status of Women

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 49:

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	Wieck
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirnbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Warnstadt

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:37 p.m. until 8:45 a.m., Wednesday, March 17, 2010.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Calamus-Wheatland High School Basketball Team—For receiving second place in the 2010 Class 1-A Boys' State Basketball Tournament. Senator Hamerlinck (3/16/10).

Exira Vikettes Girls' Basketball Team—For winning the 2010 Class 1-A Girls' State Basketball Tournament. Senator Boettger (3/16/10).

Haylie Franklin, Muscatine—For being named to the Iowa Girls' Coaches Association's academic all-state team. Senator Hahn (3/16/10).

Iowa State University Cyclone Football Team and Coach Paul Rhoads—For their winning season in 2009 and their win over Minnesota in the Insight Bowl. Senator Quirnbach (3/16/10).

Daisy Joos, Dubuque—For celebrating her 100<sup>th</sup> birthday. Senator Hancock (3/16/10).

Carl Lami, Grimes—In appreciation of more than 39 years of service to the citizens of Iowa as a state police officer and public servant. Senator Noble (3/16/10).

Mount Ayr Girls' Basketball Team—For making the final round in the 2010 Class 1-A State Girls' Basketball Tournament. Senator Reynolds (3/16/10).

Richard and Lois Nelson, Atlantic—For celebrating their 60<sup>th</sup> wedding anniversary. Senator Boettger (3/16/10).

Lloyd and Linda Robinson, Irwin—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Boettger (3/16/10).

### REPORTS OF COMMITTEE MEETINGS

#### WAYS AND MEANS

**Convened:** Tuesday, March 16, 2010, 1:05 p.m.

**Members Present:** Bolkcom, Chair; McCoy, Vice Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Hogg, Houser, Jochum, Quirnbach, Schmitz, Seng, Stewart, and Wilhelm.

**Members Absent:** Feenstra, Hamerlinck, and Ward (all excused).

**Committee Business:** Passed SF 2378.

**Adjourned:** 1:10 p.m.



**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,  
INFRASTRUCTURE, AND CAPITALS**

**Convened:** Tuesday, March 16, 2010, 8:30 a.m.

**Members Present:** McCoy, Chair; Warnstadt, Vice Chair; and Beall.

**Members Absent:** Seymour, Ranking Member; and Hamerlinck (both excused).

**Committee Business:** Approved LSB 5095JA.

**Adjourned:** 8:35 a.m.

**INTRODUCTION OF BILLS**

**Senate File 2379**, by Gronstal, a bill for an act relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties.

Read first time under Rule 28 and referred to committee on **Judiciary**.

**Senate File 2380**, by committee on Ways and Means, a bill for an act relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

**STUDY BILLS RECEIVED****SSB 3251      Appropriations**

Relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, authorizing the issuance of revenue bonds, and providing for related matters.

## **SSB 3252      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 2379**

JUDICIARY: Kreiman, Chair; Kettering and Schoenjahn

#### **House File 2519**

APPROPRIATIONS: Ragan, Chair; Dvorsky and Johnson

#### **SSB 3251**

APPROPRIATIONS: Dvorsky, Chair; and Kettering

#### **SSB 3252**

APPROPRIATIONS: McCoy, Chair; Dvorsky and Seymour

### **FINAL COMMITTEE REPORT OF BILL ACTION**

#### **WAYS AND MEANS**

**Bill Title:** SENATE FILE 2380 (SSB 3250), a bill for an act relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 10: Bolkcom, McCoy, Dandekar, Dotzler, Jochum, Quirmbach, Schmitz, Seng, Stewart, and Wilhelm. Nays, 6: Zaun, Bartz, Feenstra, Hamerlinck, Houser, and Ward. Absent, 1: Hogg.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2380, and they were attached to the committee report.

## BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have 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 March, 2010:

Senate Files 205, 358, 434, 2067, 2073, 2075, 2095, 2157, 2190, 2218, 2263, 2264, 2272, 2289, 2298, 2303, 2325, and 2326.

MICHAEL E. MARSHALL  
Secretary of the Senate

### AMENDMENTS FILED

S-5251	S.F.	2376	Becky Schmitz
S-5252	S.F.	2376	Brian Schoenjahn
S-5253	S.F.	2376	Nancy J. Boettger Kim Reynolds Tim L. Kapucian David Johnson James A. Seymour Jerry Behn Paul McKinley Steve Kettering Brad Zaun Shawn Hamerlinck James F. Hahn Randy Feenstra
S-5254	S.F.	2376	Nancy J. Boettger Kim Reynolds Tim L. Kapucian David Johnson James A. Seymour Jerry Behn Paul McKinley Steve Kettering Brad Zaun James F. Hahn Shawn Hamerlinck Randy Feenstra

S-5255	S.F.	2368	Brad Zaun David Johnson Paul McKinley Jerry Behn Kim Reynolds Merlin Bartz Steve Kettering James F. Hahn Larry Noble Shawn Hamerlinck Ron Wieck Pat Ward Randy Feenstra
S-5256	S.F.	2376	Randy Feenstra James F. Hahn Shawn Hamerlinck Brad Zaun Steve Kettering Paul McKinley Jerry Behn James A. Seymour David Hartsuch Merlin Bartz Pat Ward Larry Noble David Johnson Tim L. Kapucian Kim Reynolds Nancy J. Boettger
S-5257	S.F.	2378	Ron Wieck
S-5258	S.F.	2376	Pat Ward
S-5259	S.F.	2378	Tom Hancock
S-5260	S.F.	2376	Paul McKinley
S-5261	H.F.	2462	Steve Warnstadt
S-5262	S.F.	2376	Tim L. Kapucian
S-5263	S.F.	2376	Randy Feenstra James F. Hahn Shawn Hamerlinck Brad Zaun Steve Kettering Paul McKinley

Jerry Behn  
James A. Seymour  
David Hartsuch  
Merlin Bartz  
Pat Ward  
Larry Noble  
David Johnson  
Tim L. Kapucian  
Kim Reynolds  
Nancy J. Boettger

# JOURNAL OF THE SENATE

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SIXTY-SIXTH CALENDAR DAY  
THIRTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, March 17, 2010

The Senate met in regular session at 8:51 a.m., President Pro Tempore Danielson presiding.

Prayer was offered by John Pollak from Legal Services Division. He was the guest of Senator Kibbie.

The Journal of Tuesday, March 16, 2010, was approved.

## SPECIAL GUESTS

Senator Kibbie introduced to the Senate chamber the Honorable Ned O'Sullivan accompanied by his wife, Madeleine. Senator O'Sullivan is a Fianna Fail member of the Irish Parliament representing Kerry North and Limerick West.

Senator O'Sullivan addressed the Senate with brief remarks.

Senators Beall and Boettger presented Senator O'Sullivan with gifts on behalf of the Iowa Senate and the International Relations Committee.

The Senate rose and expressed its welcome.

Senator Kibbie introduced to the Senate chamber the 2009 St. Patty's Day Queen, Justine Wagner, accompanied by her parents, Roger and Jean Wagner. Senator Kibbie also welcomed the Irish Dancers to the Senate chamber.

The Senate rose and expressed its welcome.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 16, 2010, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 2197**, a bill for an act relating to the enforcement of criminal law provisions including providing false identification information and public indecent exposure and providing penalties.

**Senate File 2305**, a bill for an act modifying sex offender registry provisions, and providing penalties and including effective date provisions.

**Senate File 2348**, a bill for an act providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions.

ALSO: That the House has on March 16, 2010, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

**House File 2197**, a bill for an act providing veterans a holiday for veterans day and making penalties applicable.

ALSO: That the House has on March 16, 2010, **passed** the following bills in which the concurrence of the Senate is asked:

**House File 2483**, a bill for an act relating to trusts and estates including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims, and including an applicability provision.

Read first time and attached to **similar Senate File 2309**.

**House File 2522**, a bill for an act 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 and including effective date provisions.

Read first time and referred to committee on **Appropriations**.

**House File 2525**, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective date provisions.

Read first time and referred to committee on **Appropriations**.

The Senate stood at ease at 9:09 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:37 a.m., President Kibbie presiding.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Zaun, until he arrives, on request of Senator McKinley.

#### HOUSE AMENDMENT CONSIDERED

#### **Senate File 431**

Senator Kreiman called up for consideration **Senate File 431**, a bill for an act relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date, amended by the House in House amendment S-5237, filed March 10, 2010.

Senator Kreiman 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 Kreiman 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 a voice vote, and the bill was read the last time.



On the question “Shall the bill pass?” (S.F. 431), the vote was:

Yeas, 49:

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	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Zaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## HOUSE AMENDMENT CONSIDERED

### Senate File 285

Senator Kreiman called up for consideration **Senate File 285**, a bill for an act relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty, amended by the House in House amendment S–5198, filed March 8, 2010.

Senator Kreiman 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 Kreiman 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 a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 285), the vote was:

Yeas, 49:

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	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Zaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2343

Senator Kreiman called up for consideration **Senate File 2343**, a bill for an act relating to the appointment of judicial officers and senior judges, amended by the House in House amendment S-5241, filed March 11, 2010.

Senator Kreiman 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 Kreiman 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 a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2343), the vote was:

Yeas, 49:

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	
Dotzler	Houser	Reynolds	
Dvorsky	Jochum	Rielly	

Nays, none.

Absent, 1:

Zaun

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2200

Senator Kreiman called up for consideration **Senate File 2200**, a bill for an act relating to transfer of guardianship for a child in need of assistance to the probate court, amended by the House in House amendment S-5222, filed March 10, 2010.

Senator Kreiman offered amendment S-5264, filed by Senators Kreiman and Johnson from the floor to page 1 of House amendment S-5222, and moved its adoption.

Amendment S-5264 was adopted by a voice vote.

Senator Kreiman moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Kreiman moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2200), 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.

### CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2473.

#### **House File 2473**

On motion of Senator Kreiman, **House File 2473**, a bill for an act relating to criminal offense definitions, penalties, and the forfeiture of

an unsecured appearance bond in a criminal proceeding, placed on the Unfinished Business Calendar on March 11, 2010, with report of committee without recommendation, was taken up for consideration.

Senator Kreiman offered amendment S-5208, filed by him on March 9, 2010, to page 1 of the bill, and moved its adoption.

Amendment S-5208 was adopted by a voice vote.

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?" (H.F. 2473), 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.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 285, 431, 2200, and 2343** and **House File 2473** be **immediately messaged** to the House.

CONSIDERATION OF BILLS  
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2384, 2414, and 2321.

**House File 2384**

On motion of Senator Ragan, **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, placed on the Unfinished Business Calendar on March 11, 2010, with report of committee recommending passage, was taken up for consideration.

Senator Ragan 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. 2384), 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.

## House File 2414

On motion of Senator Danielson, **House File 2414**, a bill for an act relating to service in an honor guard unit on public property, placed on the Unfinished Business Calendar on March 11, 2010, with report of committee recommending passage, was taken up for consideration.

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. 2414), 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.

## House File 2321

On motion of Senator Sodders, **House File 2321**, a bill for an act relating to providing veteran services to inmates incarcerated in a jail or municipal holding facility, placed on the Unfinished Business Calendar on March 11, 2010, with report of committee recommending passage, 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?" (H.F. 2321), 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 **House Files 2321, 2384, and 2414** be **immediately messaged** to the House.

### HOUSE AMENDMENT CONSIDERED

#### Senate File 2366

Senator Dvorsky called up for consideration **Senate File 2366**, a bill for an act relating to public funding and regulatory matters and making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date and retroactive applicability provisions, amended by the House in House amendment S-5248, filed March 15, 2010.



Senator Dvorsky 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 Dvorsky 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 a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2366), the vote was:

Yeas, 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	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

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 2366** be **immediately messaged** to the House.

### RECESS

On motion of Senator Gronstal, the Senate recessed at 11:37 a.m. until 3:00 p.m.

## AFTERNOON SESSION

The Senate reconvened at 3:25 p.m., President Kibbie presiding.

The Senate stood at ease at 3:26 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:55 p.m., President Kibbie presiding.

CONSIDERATION OF BILL  
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2380.

**Senate File 2380**

On motion of Senator Bolkcom, **Senate File 2380**, a bill for an act relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions, was taken up for consideration.

Senator Bolkcom offered amendment S-5270, filed by him from the floor to pages 1 and 10 of the bill, and moved its adoption.

Amendment S-5270 was adopted by a voice vote.

Senator Hogg withdrew amendment S-5271, filed by him from the floor to page 5 of the bill.

Senator Horn withdrew amendment S-5275, filed by him from the floor to page 24 of the bill.

Senator Zaun offered amendment S-5274, filed by Senator Zaun, et al., from the floor to pages 5-24 and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5274 be adopted?" (S.F. 2380), the vote was:

Yeas, 19:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Ward
Black	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	

Nays, 31:

Appel	Dvorsky	Jochum	Schmitz
Beall	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm
Dotzler	Horn	Rielly	

Absent, none.

Amendment S-5274 lost.

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. 2380), the vote was:

Yeas, 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	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck

Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

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 2380** 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:

Susan Smith, Iowa Autism Council

Robert Tyson, Commission on Community Action Agencies

Jennifer Davis, Iowa Drug Policy Advisory Council

David Bernstein, Iowa Economic Development Board

Laura Stevens, Board of Educational Examiners

Kimberly Carson, Healthy and Well Kids in Iowa (HAWK-I) Board

Toi Sullivan, Iowa Jobs Board

Raymond Todd, Mental Health, Mental Retardation, Developmental Disabilities and Brain Injury Commission

Marjorie Pitts, Mental Health Risk Pool Board

Clyde Bradley, Board of Nursing

Ted Smith, Board of Physician Assistants

Darlene McMartin, Commission of Veterans Affairs

Sarah Falb, Iowa Workforce Development Board

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.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2274

Senator Gronstal called up for consideration **Senate File 2274**, a bill for an act relating to certain national security and military education benefits and programs, amended by the House in House amendment S-5236, filed March 10, 2010.

Senator Warnstadt offered amendment S-5273, filed by him from the floor to pages 1 and 3 of House amendment S-5236, and moved its adoption.

Amendment S-5273 was adopted by a voice vote.

Senator Warnstadt moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Warnstadt moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2274), 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.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2274** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:55 p.m. until 8:45 a.m., Thursday, March 18, 2010.

## APPENDIX

### COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

#### DEPARTMENT OF NATURAL RESOURCES

FY 2009 Boat Fee Revenues and Expenditures Report, pursuant to Iowa Code section 462A.52. Report received on March 17, 2010.

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Marcus J. Dolan, Johnston—For achieving the rank of Eagle Scout, Troop 44. Senator Noble (3/17/10).

Nona Shebaylo Horn, Danville—For celebrating her 80<sup>th</sup> birthday. Senator Courtney (3/17/10).

Esther Nelson, Dysart—For celebrating her 90<sup>th</sup> birthday. Senator Kapucian (3/17/10).

John Pollack, Des Moines—For delivering the opening prayer in the Iowa Senate. Senator Kibbie (3/17/10).

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northeast Senate gallery:

Students from the Vernon Middle School Student Council, accompanied by Roy Tompkins. Senator Dandekar.

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convended:** Wednesday, March 17, 2010, 2:05 p.m.

**Members Present:** Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hahn,

Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt.

**Members Absent:** None.

**Committee Business:** Passed HF 2519 and approved SSB 3252.

**Recessed:** 2:10 p.m.

**Reconvened:** 2:30 p.m.

**Adjourned:** 2:45 p.m.

### GOVERNMENT OVERSIGHT

**Convened:** Monday, March 15, 2010, 4:00 p.m.

**Members Present:** Olive, Chair; Courtney, Vice Chair; Ward, Ranking Member; Soddors and Wieck.

**Members Absent:** None.

**Committee Business:** Hearing with the Iowa Association of School Boards.

**Recessed:** 5:35 p.m.

**Reconvened:** Tuesday, March 16, 2010, 10:20 a.m.

**Adjourned:** 12:00 p.m.

### WAYS AND MEANS

**Convened:** Wednesday, March 17, 2010, 1:05 p.m.

**Members Present:** Bolkcom, 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:** Passed SF 2103 and HFs 816 and 2370.

**Adjourned:** 1:30 p.m.



## INTRODUCTION OF BILL

**Senate File 2381**, by committee on Appropriations, 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.

Read first time under Rule 28 and **placed on Appropriations calendar**.

## STUDY BILL RECEIVED

### **SSB 3253      Appropriations**

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.

## SUBCOMMITTEE ASSIGNMENTS

### **House File 2522**

APPROPRIATIONS: Dotzler, Chair; Dvorsky and Kapucian

### **House File 2525**

APPROPRIATIONS: Seng, Chair; Dvorsky and Hahn

### **SSB 3253**

APPROPRIATIONS: Dvorsky, Chair; Kettering and Warnstadt

## FINAL COMMITTEE REPORT OF BILL ACTION

### **APPROPRIATIONS**

**Bill Title:** HOUSE FILE 2519 (HSB 728), a bill for an act 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.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 16: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hahn, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, and Seng. Nays, 8: Kettering, Bartz, Boettger, Feenstra, Johnson, Kapucian, Noble, and Seymour. Absent, 1: Warnstadt.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** \*SENATE FILE 2381 (SSB 3252), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 16: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. 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 Appropriations Committee on Senate File 2381, and they were attached to the committee report.

**WAYS AND MEANS**

**Bill Title:** HOUSE FILE 816 (HSB 277), a bill for an act allowing the department of revenue to subpoena certain customer records of individuals with a debt placed with the centralized collection unit of the department of revenue and including effective date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 14: Bolkcom, Zaun, Bartz, Dotzler, Feenstra, Hogg, Houser, Jochum, Quirnbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, 3: McCoy, Dandekar, and Hamerlinck. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** HOUSE FILE 2370, a bill for an act relating to enterprise zones by extending the application deadline for certification of enterprise zones and by updating certain fiscal year limitations.

**Recommendation:** DO PASS.

**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.

## REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the following name be removed from the “En Bloc Confirmation Calendar” and placed on the “Individual Confirmation Calendar”:

Nancy Richardson – Director of Transportation

DAVID JOHNSON

## AMENDMENTS FILED

S-5264	S.F.	2200	Keith A. Kreiman David Johnson
S-5265	H.F.	2462	Steve Warnstadt
S-5266	H.F.	2462	Steve Warnstadt
S-5267	H.F.	2462	Steve Warnstadt
S-5268	H.F.	2462	Steve Warnstadt
S-5269	H.F.	2432	Shawn Hamerlinck
S-5270	S.F.	2380	Joe Bolkcom
S-5271	S.F.	2380	Robert M. Hogg
S-5272	S.F.	2290	Swati A. Dandekar Matt McCoy Jack Hatch Steven J. Soddors Steve Warnstadt William A. Dotzler, Jr. Shawn Hamerlinck David Johnson Kim Reynolds Jerry Behn Paul McKinley
S-5273	S.F.	2274	Steve Warnstadt
S-5274	S.F.	2380	Brad Zaun Steve Kettering Pat Ward

Merlin Bartz  
 Hubert Houser  
 Kim Reynolds  
 Nancy J. Boettger  
 Jerry Behn  
 Ron Wieck  
 James F. Hahn  
 Randy Feenstra  
 David Johnson  
 Tim L. Kapucian  
 Shawn Hamerlinck  
 James A. Seymour  
 Larry Noble  
 Paul McKinley  
 David Hartsuch  
 Wally E. Horn  
 Wally E. Horn  
 Robert M. Hogg  
 Jeff Danielson  
 Robert M. Hogg

S-5275	S.F.	2380
S-5276	S.F.	2368
S-5277	S.F.	2309
S-5278	S.F.	2311
S-5279	H.F.	2459

*State of Iowa*

**JOURNAL  
OF THE SENATE**

**EIGHTY-THIRD  
GENERAL ASSEMBLY**

**2010 REGULAR SESSION**

**Volume II**

**JOHN P. KIBBIE, President of the Senate**  
**MICHAEL E. MARSHALL, Secretary of the Senate**

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# JOURNAL OF THE SENATE

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SIXTY-SEVENTH CALENDAR DAY  
FORTIETH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 18, 2010

The Senate met in regular session at 8:48 a.m., President Kibbie presiding.

Prayer was offered by Reverend Marcus Badgley, pastor of St. John's Lutheran Church in Madrid, Iowa. He was the guest of Senator Quirnbach.

The Journal of Wednesday, March 17, 2010, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 17, 2010, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 2273**, a bill for an act relating to a study regarding implementation of electronic registration and titling of vehicles, and containing effective date provisions.

ALSO: That the House has on March 17, 2010, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

**House File 788**, a bill for an act concerning alcohol beverage control, relating to minors and public intoxication or possession of alcohol and prohibiting certain liquor control, wine, or beer licensees or permittees from knowingly permitting or engaging in criminal activity in areas adjacent to the licensed premises and making penalties applicable.

ALSO: That the House has on March 17, 2010, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 2518**, a bill for an act concerning public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, making appropriations, and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **Appropriations**.

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 10:27 a.m., President Pro Tempore Danielson presiding.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Wieck, until he arrives, on request of Senator Johnson; and Senators Courtney and Fraise, until they arrive, on request of Senator Dotzler.

#### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Ragan asked and received unanimous consent to take up for consideration House File 2519.

#### **House File 2519**

On motion of Senator Ragan, **House File 2519**, a bill for an act 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, with report of committee recommending passage, was taken up for consideration.

Senator Ragan 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. 2519), the vote was:

Yeas, 30:

Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Gronstal	Kreiman	Seng
Black	Hancock	McCoy	Sodders
Bolkcom	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	
Dotzler	Jochum	Schmitz	

Nays, 17:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Zaun
Boettger	Houser	Noble	
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 3:

Courtney	Fraise	Wieck
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## UNFINISHED BUSINESS (Deferred March 9, 2010)

### House File 2459

The Senate resumed consideration of **House File 2459**, a bill for an act establishing a watershed planning advisory council, deferred March 9, 2010.

Senator Hogg offered amendment S-5279, filed by him on March 17, 2010, to page 3 and amending the title page of the bill, and moved its adoption.

Amendment S-5279 was adopted by a voice vote.

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. 2459), the vote was:

Yeas, 47:

Appel	Feenstra	Johnson	Rielly
Bartz	Gronstal	Kapucian	Schmitz
Beall	Hahn	Kettering	Schoenjahn
Behn	Hamerlinck	Kibbie	Seng
Black	Hancock	Kreiman	Seymour
Boettger	Hartsuch	McCoy	Sodders
Bolkcom	Hatch	McKinley	Stewart
Dandekar	Heckroth	Noble	Ward
Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Quirnbach	Wilhelm
Dotzler	Houser	Ragan	Zaun
Dvorsky	Jochum	Reynolds	

Nays, none.

Absent, 3:

Courtney	Fraise	Wieck
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Ragan asked and received unanimous consent to take up for consideration House File 2370.

#### **House File 2370**

On motion of Senator Bolkcom, **House File 2370**, a bill for an act relating to enterprise zones by extending the application deadline for certification of enterprise zones and by updating certain fiscal year limitations, with report of committee recommending passage, 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?" (H.F. 2370), the vote was:

Yeas, 47:

Appel	Feenstra	Johnson	Rielly
Bartz	Gronstal	Kapucian	Schmitz
Beall	Hahn	Kettering	Schoenjahn
Behn	Hamerlinck	Kibbie	Seng
Black	Hancock	Kreiman	Seymour
Boettger	Hartsuch	McCoy	Sodders
Bolkcom	Hatch	McKinley	Stewart
Dandekar	Heckroth	Noble	Ward
Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Quirnbach	Wilhelm
Dotzler	Houser	Ragan	Zaun
Dvorsky	Jochum	Reynolds	

Nays, none.

Absent, 3:

Courtney	Fraise	Wieck
----------	--------	-------

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Ragan asked and received unanimous consent that **House Files 2370** and **2459** be **immediately messaged** to the House.

### RECESS

On motion of Senator Ragan, the Senate recessed at 10:48 a.m. until 2:00 p.m.

### AFTERNOON SESSION

The Senate reconvened at 3:17 p.m., President Kibbie presiding.

## QUORUM CALL

Senator Dotzler requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 40 present, 10 absent, and a quorum present.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he returns, on request of Senator McKinley.

## CONSIDERATION OF BILL (Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2309.

### **Senate File 2309**

On motion of Senator Hogg, **Senate File 2309**, a bill for an act relating to trusts and estates including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims, and including an applicability provision, placed on the Unfinished Business Calendar on March 4, 2010, was taken up for consideration.

Senator Hogg offered amendment S-5277, filed by him on March 17, 2010, to pages 1, 10, and 11 of the bill.

(Senate File 2309 and amendment S-5277 were deferred.)

The Senate stood at ease at 3:24 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 4:05 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2309 and amendment S-5277.

Senator Hogg moved the adoption of amendment S-5277.

Amendment S-5277 was adopted by a voice vote.

Senator Hogg asked and received unanimous consent that **House File 2483** be **substituted** for **Senate File 2309**.

### House File 2483

On motion of Senator Hogg, **House File 2483**, a bill for an act relating to trusts and estates including provisions relating to state inheritance tax, uniform transfers to minors, and medical assistance claims, and including an applicability provision, 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. 2483), the vote was:

Yeas, 47:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirnbach	Wilhelm
Dearden	Horn	Ragan	Zaun
Dotzler	Jochum	Reynolds	

Nays, none.

Absent, 3:

Fraise	Houser	Wieck
--------	--------	-------

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 2309** be **withdrawn** from further consideration of the Senate.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2483** be **immediately messaged** to the House.

## FINAL COMMITTEE REPORT OF BILL ACTION

## APPROPRIATIONS

**Bill Title:** \*HOUSE FILE 2518 (formerly HF 2502), a bill for an act concerning public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, making appropriations, and including effective date and retroactive applicability provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, 1: Fraise.

**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 Appropriations Committee on House File 2518, and they were attached to the committee report.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2518.

**House File 2518**

On motion of Senator Jochum, **House File 2518**, a bill for an act concerning public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and



police retirement system, making appropriations, and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Kettering offered amendment S-5281, filed by him from the floor to pages 9 and 13 of the bill, and moved its adoption.

Amendment S-5281 lost by a voice vote.

Senator Kettering offered amendment S-5280, filed by him from the floor to pages 9 and 10 of the bill, and moved its adoption.

Amendment S-5280 lost by a voice vote.

Senator Feenstra offered amendment S-5285, filed by Senator Feenstra, et al., from the floor to page 19 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5285 be adopted?" (H.F. 2518) the vote was:

Yeas, 16:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	Zaun

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 3:

Fraise	Houser	Wieck
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Amendment S-5285 lost.

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?" (H.F. 2518), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 16:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	Zaun

Absent, 3:

Fraise	Houser	Wieck
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2518** be **immediately messaged** to the House.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2381.

### Senate File 2381

On motion of Senator McCoy, **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, was taken up for consideration.

Senator Dotzler offered amendment S-5286, filed by Senators Dotzler and Bolkcom from the floor to pages 5 and 7 of the bill.

Senator Hamerlinck raised the point of order that amendment S-5286 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5286 out of order.

Senator McCoy 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. 2381), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 16:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	Zaun

Absent, 3:

Fraise	Houser	Wieck
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Zaun, until he returns, on request of Senator Johnson.

## 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:

Joseph Sinclair, Iowa Grain Indemnity Fund Board

Jeffrey Snyder, Board of Medicine

Denise Behrends, Board of Physical and Occupational Therapy

Diane Dennler, Renewable Fuel Infrastructure Board

Jason Aird, Board of Speech Pathology and Audiology

Coral Jud, Board of Speech Pathology and Audiology

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 46:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirmbach	Wilhelm
Dearden	Horn	Ragan	
Dotzler	Jochum	Reynolds	

Nays, none.

Absent, 4:

Fraise	Houser	Wieck	Zaun
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The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2381** be **immediately messaged** to the House.

## SPECIAL GUESTS

Senator Dotzler introduced to the Senate chamber Chinese government officials with the Intellectual Property Office, Hongjian Huang, Li Zong Bao, Liu Jun, accompanied by interpreter Xiaoming Helen Gao.

The Senate rose and expressed its welcome.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS  
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Dennis Plautz as a member of the City Development Board, placed on the Individual Confirmation Calendar on March 10, 2010, found on page 785 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 45:

Appel	Dvorsky	Johnson	Schmitz
Bartz	Feenstra	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	Wilhelm
Danielson	Hogg	Ragan	
Dearden	Horn	Reynolds	
Dotzler	Jochum	Rielly	

Nays, none.

Present, 1:

Quirnbach

Absent, 4:

Fraise	Houser	Wieck	Zaun
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Gronstal called up the appointment of Patrick Jackson as a member of the Iowa Law Enforcement Academy Council, placed on the Individual Confirmation Calendar on March 11, 2010, found on page 812 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 46:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirnbach	Wilhelm
Dearden	Horn	Ragan	
Dotzler	Jochum	Reynolds	

Nays, none.

Absent, 4:

Fraise	Houser	Wieck	Zaun
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

REFUSAL OF GOVERNOR'S APPOINTMENT  
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Shearon Elderkin as a member of the Iowa Power Fund Board, placed on the Individual Confirmation Calendar on January 27, 2010, found on page 188 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 15:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	

Absent, 4:

Fraise	Houser	Wieck	Zaun
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The appointee, having failed to receive a two-thirds vote, was declared to have been **refused confirmation** by the Senate.

CONFIRMATION OF GOVERNOR'S APPOINTMENT  
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Nancy Richardson as a member of the Director of Transportation, placed on the Individual Confirmation Calendar on March 17, 2010, found on page 887 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 46:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn
Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hartsuch	McKinley	Stewart
Courtney	Hatch	Noble	Ward
Dandekar	Heckroth	Olive	Warnstadt
Danielson	Hogg	Quirmbach	Wilhelm
Dearden	Horn	Ragan	
Dotzler	Jochum	Reynolds	

Nays, none.

Absent, 4:

Fraise	Houser	Wieck	Zaun
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 5:10 p.m. until 8:45 a.m., Friday, March 19, 2010.



## APPENDIX

### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

David and Nancy Boettger, Harlan—For celebrating their 45<sup>th</sup> wedding anniversary. Senator Johnson (3/18/10).

### REPORT OF COMMITTEE MEETING

#### APPROPRIATIONS

**Convened:** Thursday, March 18, 2010, 1:05 p.m.

**Members Present:** Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Dotzler, Feenstra, Hahn, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt.

**Members Absent:** Fraise (excused).

**Committee Business:** Passed SF 2255 and HFs 2518, 2522, and 2525. Approved SSB 3253.

**Recessed:** 1:10 p.m.

**Reconvened:** 1:55 p.m.

**Adjourned:** 2:25 p.m.

### INTRODUCTION OF RESOLUTION

**Senate Resolution 110**, by committee on Rules and Administration, a Resolution to thank Senator Steve Warnstadt, on the occasion of his retirement from the Iowa Senate, for sixteen years of legislative service.

Read first time under Rule 28 and **placed on calendar**.

## INTRODUCTION OF BILL

**Senate File 2382**, by committee on Ways and Means, a bill for an act relating to fuel, including standards for biodiesel blended fuel, and excise taxes imposed upon special fuel, including biodiesel fuel and diesel fuel used in the production of biodiesel blended fuel.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

## SUBCOMMITTEE ASSIGNMENT

**House File 2518**

APPROPRIATIONS: Jochum, Chair; Dvorsky and Kettering

## FINAL COMMITTEE REPORTS OF BILL ACTION

## APPROPRIATIONS

**Bill Title:** HOUSE FILE 2522 (HSB 734), a bill for an act 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 and including effective date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 13: Dvorsky, Appel, Bolkcom, Danielson, Dearden, Dotzler, Hancock, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, Seymour. Absent, 3: McCoy, Fraise, and Hatch.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

## ALSO:

**Bill Title:** HOUSE FILE 2525 (HSB 733), a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, 1: Fraise.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**WAYS AND MEANS**

**Bill Title:** \*SENATE FILE 2382 (formerly SF 2103), a bill for an act relating to fuel, including standards for biodiesel blended fuel, and excise taxes imposed upon special fuel, including biodiesel fuel and diesel fuel used in the production of biodiesel blended fuel.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 16: Bolkcom, McCoy, Zaun, Bartz, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, 1: Dandekar. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2382, and they were attached to the committee report.

**REPORTS OF THE SECRETARY OF THE SENATE**

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2237, the following correction was made:

1. Page 108, line 4: corrected spelling of "subparagraph".

ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2340, the following correction was made:

1. Page 4, line 22: space after the word "on" does not need to be underscored.

MICHAEL E. MARSHALL  
Secretary of the Senate

**BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following reports:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have 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 18<sup>th</sup> day of March, 2010:

Senate Files 2237 and 2340.

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 17, 2010, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 434 – Relating to nuisance properties by requiring the indexing of certain municipal citations and petitions affecting real property.

Senate File 2264 – Relating to the review and approval of proposed subdivisions by a city.

## MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 2519 passed the Senate on March 18, 2010.

MICHAEL E. GRONSTAL

## AMENDMENTS FILED

S-5280	H.F.	2518	Steve Kettering
S-5281	H.F.	2518	Steve Kettering
S-5282	H.F.	2193	David Johnson
S-5283	H.F.	2432	Becky Schmitz
S-5284	H.F.	2462	Swati A. Dandekar
			Matt McCoy
			Jack Hatch
			Steven J. Sadders
			Steve Warnstadt
			William A. Dotzler, Jr.
			Shawn Hamerlinck
			David Johnson
			Kim Reynolds
			Jerry Behn
			Paul McKinley

S-5285	H.F.	2518	Randy Feenstra Jerry Behn Shawn Hamerlinck Pat Ward James F. Hahn Steve Kettering Tim L. Kapucian David Johnson Nancy J. Boettger James A. Seymour Brad Zaun
S-5286	S.F.	2381	William A. Dotzler, Jr. Joe Bolkom

# JOURNAL OF THE SENATE

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SEVENTY-NINTH CALENDAR DAY  
FORTY-NINTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 30, 2010

The Senate met in regular session at 10:13 a.m., President Kibbie presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

The Journal of Monday, March 29, 2010, was approved.

The Senate stood at ease at 10:16 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:22 a.m., President Kibbie presiding.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 30, 2010, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

**House File 2531**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions. (S-5399)

## MOTIONS TO RECONSIDER WITHDRAWN

**House File 2519**

Senator Gronstal withdrew the motion to reconsider **House File 2519**, a bill for an act 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, filed by him on March 18, 2010, found on page 908 of the Senate Journal.

**House File 2525**

Senator Gronstal withdrew the motion to reconsider **House File 2525**, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective date provisions, filed by him on March 26, 2010, found on page 1034 of the Senate Journal.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Files 2519** and **2525** be **immediately messaged** to the House.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser and Wieck, until they arrive, on request of Senator Kettering; and Senators Dearden, Fraise, and Jochum, until they arrive, on request of Senator Gronstal.

HOUSE AMENDMENT TO  
SENATE AMENDMENT CONSIDERED

**House File 2531**

Senator Dvorsky called up for consideration **House File 2531**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions, amended by the Senate and further amended by the House in House amendment S-5399 to Senate amendment H-8640, filed March 30, 2010.

Senator Dvorsky moved that the Senate concur in the House amendment to the Senate amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 2531), the vote was:

Yeas, 29:

Appel	Dvorsky	Kreiman	Seng
Beall	Gronstal	McCoy	Sodders
Black	Hancock	Olive	Stewart
Bolkcom	Hatch	Quirnbach	Warnstadt
Courtney	Heckroth	Ragan	Wilhelm
Dandekar	Hogg	Rielly	
Danielson	Horn	Schmitz	
Dotzler	Kibbie	Schoenjahn	

Nays, 16:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	Zaun

Absent, 5:

Dearden	Houser	Wieck
Fraise	Jochum	

The motion prevailed and the Senate **concurred** in the House amendment to the Senate amendment.



Senator Dvorsky moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2531), the vote was:

Yeas, 29:

Appel	Dvorsky	Kreiman	Seng
Beall	Gronstal	McCoy	Soddors
Black	Hancock	Olive	Stewart
Bolkcom	Hatch	Quirmbach	Warnstadt
Courtney	Heckroth	Ragan	Wilhelm
Dandekar	Hogg	Rielly	
Danielson	Horn	Schmitz	
Dotzler	Kibbie	Schoenjahn	

Nays, 16:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Ward
Feenstra	Johnson	Noble	Zaun

Absent, 5:

Dearden	Houser	Wieck
Fraise	Jochum	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2531** be **immediately messaged** to the House.

### MOTION TO RECONSIDER WITHDRAWN

### House File 2526

Senator Gronstal withdrew the motion to reconsider **House File 2526**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions, filed by him on March 27, 2010, found on page 1052 of the Senate Journal.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2526** be **immediately messaged** to the House.

The Senate stood at ease at 12:31 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 12:47 p.m., President Kibbie presiding.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 30, 2010, **adopted** the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 109**, a concurrent resolution to provide for adjournment sine die.

Read first time and **placed on calendar**.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Concurrent Resolution 109.

**House Concurrent Resolution 109**

On motion of Senator Gronstal, **House Concurrent Resolution 109**, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 109, which motion prevailed by a voice vote.

## HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 26, 2010, **concurred** in the Senate amendment to the House amendment, **and passed** the following bills in which the concurrence of the House was asked:

**Senate File 2367**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions.

**Senate File 2376**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and including effective date and applicability provisions.

**Senate File 2378**, a bill for an act relating to and making appropriations to the justice system, providing for fees and fines, and including effective date provisions.

ALSO: That the House has on March 17, 2010, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 2377**, a bill for an act relating to and making appropriations to the judicial branch.

ALSO: That the House has on March 25, 2010, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

**House File 2522**, a bill for an act 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 and including effective date provisions.

## REMARKS BY THE PRESIDENT OF THE SENATE

President Kibbie provided the following remarks:

I would first like to express my best wishes to Senators Stewart, Wieck, and Warnstadt as they embark on well deserved retirements. You all have traveled from some of the farthest eastern and western parts of our state to serve your constituents and we all understand and appreciate the sacrifices you have made to be an elected official.

I would also like to thank our leaders, Senator Gronstal and Senator McKinley who often have thankless jobs and long hours. All the members of the respective caucuses know what a difficult job you have and we thank you for the leadership you provide.

Our caucus staffs also deserve our gratitude. They put in long hours to help us navigate through this often difficult process in lawmaking and we all are better legislators for their efforts. Big thanks also go to the administrative staff that also put in long hours to ensure that all our work is properly recorded for anyone to see.

We have navigated through one of the most difficult sessions in my memory. The deep national recession made our work exceptionally hard, but we survived and while the process is often messy, we leave our state in better shape than almost every other.

I would like to say it has been my privilege to serve as the Senate President. While elected by my Democratic colleagues, I have made every effort to serve the institution and rule in a fair and impartial manner. I hope I have accomplished that goal.

Lastly, I would wish you all an enjoyable interim. We now leave for all parts of this great state and like any family will gather again. I hope that good health and good fortune will be with you all and that we will see you again in January.

## REMARKS BY THE MINORITY LEADER

Senator McKinley provided the following remarks:

Thank you Mr. President.

Friends and colleagues:

From day one, Senate Republicans made it crystal clear that we believe this session should have been about three major and very important priorities: long-term sustainable private sector job creation, spending and budgetary reform and property tax relief.

Did we take this opportunity to focus on the important priorities Iowans care about? Did we listen carefully to our constituents? Did we do all we could to put our state back on the right track?

Mr. President and ladies and gentleman of the Senate, I expect the people of Iowa will take a look at our work these last 79 days and will come to the same conclusion: this was a session of missed opportunities.

As we leave today, 112,500 Iowans are out of work, the highest unemployment level in 23 years. There are many others underemployed and still many more who have stopped looking for work.

When we should have been focusing on making it easier for private sector jobs to be created and removing the barriers to private sector job creation, this Legislature continues policies that allow government to pick winners and losers.

When I-Jobs was created last session, Governor Culver promised it would create 30,000 jobs. In the year since, Iowa has actually lost over 30,000 jobs. More over

promising and under delivering. Yet, instead of changing course of our path – we only amplified the problem.

This session was a missed opportunity to create a climate with reasonable levels of regulation and taxation that encourages private investment in our workforce.

On jobs, we could have and should have done better.

When the final detailed analysis of the new budget is complete, this Legislature has authorized the second most amount of money in state history.

Let me repeat that. This year's spending is the second most in state history.

Iowans have grown exceedingly upset with the overspending of the last three years. We missed a golden opportunity to pass a sustainable and responsible budget that truly reflects the priorities of Iowans.

Instead, we continued the past practice of using one-time dollars for ongoing expenses, raised many fees and fines and pushed even more of the spending onto the backs of local property taxpayers. This governor and this Legislature opted to balance the budget on the backs of hardworking Iowans.

Built-in spending increases for fiscal year 2012 now exceeds \$1 billion dollars and our new budget uses over \$700 in one-time funds to be used for ongoing expenses. Iowa cannot afford for this to continue year after year.

On spending and budgetary reform, we could have and should have done better.

Iowa has some of the highest property taxes in the nation and this session was a missed opportunity to do something about that. Higher property taxes are just another barrier to job creation at a time when we can least afford it.

By breaking the promise made to our school districts, property taxes are set increase by over \$180 million combined over this and next budget year. Keep in mind, those tax increases are in addition to the second most spending in state history. There is still way too much spending.

On property tax relief, we could have and should have done better.

We are also leaving today by again failing to give the citizens of Iowa a vote on the basic definition of marriage. Iowans have overwhelmingly asked for a chance to vote. Their desires have been arrogantly ignored. Like the issue of jobs, property tax relief and spending reform, this was a missed opportunity to act on the wishes of Iowans.

Before I conclude, I want to thank my fellow members of the Senate Republican Caucus for their hard work. I want extend my sincerest best wishes to Senators Wieck, Warnstadt and Stewart as they retire. I want to thank all of our caucus staff members, the staff of the LSA and Secretary of the Senate's office and our pages and door keepers for their excellent work. It takes a lot of dedicated people to keep us all on track.

Though this may have been the session of missed opportunities, let there be no mistake: there is ample reason to be optimistic about the outlook of this great state.

When we do emerge from this economic malaise, we must be prepared to harness the possibility that exists and make it reality.

It will require us to take bold action and make a 180 degrees turn from our current direction.

We must fully understand that government does not create jobs and it cannot generate wealth. Instead we must unleash the originality and imagination of the private sector to build the new Iowa economy of the future.

This state is dotted with manufacturers and small businesses who have served as the lifeblood and the bedrock of our communities. We must embrace the understanding that the new Iowa economy will be about the things that we can touch, feel, need and use. Never should we allow our valuable agricultural commodities to leave this state to have value added elsewhere. We could be on the verge of a new economic explosion if we lead with the right vision, take the right approach and move away from the notion that government is the answer to growing Iowa's economy.

Not one of us should be satisfied with the news that two-thirds of our counties lost population and 222 of our manufacturing plants closed their doors 2009. We should not accept being 49<sup>th</sup> in U.S. News & World Report or 41<sup>st</sup> according to the Small Business Survival Index in business climate.

If we do not change direction, create jobs and grow our communities, I fear we will only continue the hollowing out our state.

Iowa should be the destination place for anyone to open a business or chase their dreams. We have safe, welcoming communities, a wonderful education heritage and a dedicated and devoted workforce. We have a state that offers ample potential – 99 counties worth of potential.

Much of that potential exists because of our people.

My optimism and confidence about Iowa's future further stems from the quality, superiority and uniqueness of our citizens.

This is an exceptional state filled with extraordinary people who are dedicated to its constant renewal.

They are blessed with common sense, are hardworking, frugal and hopeful about the future. They care about their communities, their schools and the neighbors around them. Our people are smart, they love this state and they want what is best for their families. This sense of independence, community and self sufficiency is what makes this state so astonishingly special.

If we fail to change course, those very people who make this state second to none, will find a home elsewhere. They have the skills, the work ethic and the common sense that are in high demand. They will raise their families elsewhere. They will find jobs elsewhere or start their businesses elsewhere. Other places will gain at Iowa's expense.

We must make Iowa a hub of opportunity that attracts the brightest minds from around the world to become Iowans and be part of a tradition and way of life unlike and unsurpassed by any other.

As we leave today and go home to our districts and constituents, let us work everyday toward a more promising and prosperous tomorrow for Iowa. The future for this state could not be brighter and I could not be more excited to be part of the rebirth, revitalization and rejuvenation of the state that I so dearly love.

It's time for a renewal of the principles that have made this state second to none.

Mr. President, as I finish today, I want to wish you all good health and safe journeys. Always remember that wherever you may go and whatever you may do: may you always be proud to be an Iowan.

Thank you.

## REMARKS BY THE MAJORITY LEADER

Senator Gronstal provided the following remarks:

Mr. President, colleagues and staff. The second session of the Iowa Senate during the Eighty-third General Assembly has finished its work.

When the session began, we knew it would be difficult. As I said then, "Given the state of the economy, how could it be otherwise?"

Yet we accomplished many of our goals. We balanced the budget without raising taxes, and without adding to the burdens of middle class families during this recession. The state budget has an ending balance of \$180 million and we put a total of \$200 million in our savings accounts.

We reorganized state government for the first time in 25 years. Thanks to our work, state government is leaner and more accountable to the public. Taxpayers will save over \$120 million this year. Additionally, the state will save almost \$190 million

over the next five years thanks to an early retirement plan for state employees. Governor Culver's executive order adds an additional \$70 million in savings. Many of the changes we make will produce savings for years to come.

After rethinking the structure of state government, we began the reform of Iowa's tax credit spending. We suspended some tax credits and ended others. We moved priorities away from Wall Street to invest more in our Main Street businesses. We cut the state's overall tax credit liability by more than \$115 million. Iowans will now know who is receiving each tax credit and how much they cost. This is a step toward ensuring that tax credits will be eliminated if they aren't creating jobs or accomplishing their goals.

We make these reforms so we could keep our commitments to education, health care and economic expansion.

Despite the economic recession, we supported local student achievement by providing just under \$2.5 billion to local schools, an increase of \$147 million over FY 2010. We protected funds used to recruit and keep the best teachers in Iowa classrooms, expanded pre-school, and continued efforts to make sure students graduate with 21st Century skills to land a job. And to help Iowans build a better future for themselves and their families, we continued investments to make Iowa's community colleges and universities affordable to Iowa families.

During the session we saw several of Iowa's innovations in health care—our focus on health insurance for all children and expanding health insurance to working families—adopted by the federal government. As part of the Iowa Legislature's accomplishments, we expanded our outreach to uninsured children and made it easier for rural residents to access health care and for rural hospitals to be paid for the care they provide.

And in response to outrageous insurance rate increases, we required insurance companies to give small businesses and Iowans more notification before rate increases take effect, and required them to provide specific reasons for the increase.

To encourage job growth, we made new low interest loans available to existing small businesses, strengthened Iowa Small Business Development Centers, and created a one-stop web site for all small business help. We also approved the fourth year of the Iowa Power Fund and approved other legislation to expand the production of Iowa-grown alternative energy, help family farmers, and make our state more energy independent.

We made Iowa communities safer by approving tougher laws on sex offenders and Internet sex predators, by denying weapons to domestic abusers while expanding gun rights for law-abiding citizens, and by passing new traffic laws that will save lives.

And, as a capstone to a multiyear effort by several of our senators, Iowa became the first state in the nation to go "10 for 10" by approving all ten measures in support of military families by the Department of Defense.

In closing, this was an intense, productive session that improved the basics of state government, that made important reforms, that protected the top priorities of Iowans despite difficult times, and that invested in Iowans and Iowa in order to lay the groundwork for a strong economic recovery.

I want to thank the Statehouse staff who made this session run so smoothly: the Legislative Service Agency, the backroom staff of the Senate, the House and Senate caucus staffs, and our pages.

I want to thank our partners in the Iowa House and Governor Chet Culver. And I want to thank each of you for your service and I wish you a happy return to your families and communities.

## FINAL ADJOURNMENT

By virtue of House Concurrent Resolution 109, duly adopted, the day of March 30, 2010, having arrived, President Kibbie declared the 2010 Regular Session of the Eighty-third General Assembly adjourned sine die.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Barry and Betty Lynch, Urbandale—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Zaun (3/30/10).

Reuben F. Peterson, who served in the Hellcat Night Fighters in World War II—For his leadership in establishing the Veterans Memorial Park in Madrid, Iowa. Senator Quirnbach (3/30/10).

### REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2297, the following correction was made:

1. Page 1, line 31: corrected spelling of “PARAGRAPH.”

ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2366, the following correction was made:

1. Page 1, line 15: remove squid.
2. Page 15, line 22: add comma after Acts in lead-in.

ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2367, the following correction was made:

1. Page 14, line 4: added period to end of lead-in. Period was in original document.

ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2373, the following correction was made:

1. Page 1, line 24: a period after “C” in the U.S.C. citation.



ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2383, the following correction was made:

1. Page 17, line 13: remove underscore under period.

ALSO: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2389, the following correction was made:

1. Page 69, line 20: remove underscoring from space after “fund,”

MICHAEL E. MARSHALL  
Secretary of the Senate

### BILL ENROLLED, SIGNED, AND SENT TO SECRETARY OF STATE

The Secretary of the Senate submitted the following reports:

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 Secretary of State on this 30th day of March, 2010:

Senate Joint Resolution 2009.

MICHAEL E. MARSHALL  
Secretary of the Senate

### BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have 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 30th day of March, 2010:

Senate Files 153, 285, 393, 431, 2156, 2158, 2175, 2192, 2199, 2200, 2201, 2215, 2216, 2220, 2226, 2250, 2254, 2267, 2273, 2274, 2279, 2286, 2297, 2304, 2310, 2318, 2324, 2331, 2333, 2343, 2344, 2345, 2348, 2354, 2356, 2366, 2367, 2371, 2373, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2383, 2384, 2387, 2388, 2389, and Senate Joint Resolution 2007.

MICHAEL E. MARSHALL  
Secretary of the Senate

### AMENDMENT FILED

S-5399      H.F.      2531      House

# JOURNAL OF THE SENATE

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SIXTY-EIGHTH CALENDAR DAY  
FORTY-FIRST SESSION DAY

Senate Chamber  
Des Moines, Iowa, Friday, March 19, 2010

The Senate met in regular session at 8:55 a.m., Senator Dotzler presiding.

The Journal of Thursday, March 18, 2010, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 18, 2010, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 2378**, a bill for an act relating to and making appropriations to the justice system, providing for fees and fines, and including effective date provisions. (S-5287)

ALSO: That the House has on March 18, 2010, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 2526**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions.

Read first time and **passed on file**.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:57 a.m. until 1:30 p.m., Monday, March 22, 2010.

## APPENDIX

### INTRODUCTION OF RESOLUTIONS

**Senate Resolution 111**, by committee on Rules and Administration, a resolution to honor Senator Ron Wieck on his retirement from the Iowa Senate.

Read first time under Rule 28 and **placed on calendar**.

**Senate Resolution 112**, by committee on Rules and Administration, a resolution to thank Senator Roger Stewart for his eight years of service in the Iowa Senate and to the people of Iowa.

Read first time under Rule 28 and **placed on calendar**.

### INTRODUCTION OF BILLS

**Senate File 2383**, by committee on Appropriations, 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.

Read first time under Rule 28 and **placed on Appropriations calendar**.

**Senate File 2384**, by committee on Appropriations, a bill for an act relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative.

Read first time under Rule 28 and **placed on Appropriations calendar**.

### FINAL COMMITTEE REPORTS OF BILL ACTION

#### APPROPRIATIONS

**Bill Title:** \*SENATE FILE 2383 (SSB 3253), 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.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 24: Dvorsky, McCoy, Kettering, Appel, Bartz, Boettger, Bolkom, Danielson, Dearden, Dotzler, Feenstra, Hahn, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt. Nays, none. Absent, 1: Fraise.

**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 Appropriations Committee on Senate File 2383, and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*SENATE FILE 2384 (formerly SF 2255), a bill for an act relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 24: Dvorsky, McCoy, Kettering, Appel, Bartz, Boettger, Bolkom, Danielson, Dearden, Dotzler, Feenstra, Hahn, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt. Nays, none. Absent, 1: Fraise.

**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 Appropriations Committee on Senate File 2384, and they were attached to the committee report.

## REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2357, the following correction was made:

1. Page 2, line 3: added "2." before "a."

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have 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 19<sup>th</sup> day of March, 2010:

Senate Files 2178, 2197, 2202, 2224, 2234, 2299, and 2357.

MICHAEL E. MARSHALL  
Secretary of the Senate

## BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 19, 2010, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 205 – Relating to required testing for infectious diseases of persons under supervision of judicial district departments of correctional services.

Senate File 358 – Relating to the recognition and enforcement of foreign-country money judgments and providing for the Act's applicability.

Senate File 2067 – Relating to ethics regulations for the executive branch, legislative branch, and local officials and employees and including effective date provisions.

Senate File 2073 – Relating to the practice of accounting and to the organization and operation of the licensing boards included within the professional licensure and regulation bureau of the banking division in the department of commerce.

Senate File 2075 – Requiring reasonable exceptions to insurance rates for consumers whose credit information is influenced by extraordinary life circumstances and providing an applicability date.

Senate File 2095 – Relating to the authority of a certified law enforcement officer.

Senate File 2157 – Relating to the recording requirements for certain residential real estate installment sales contracts and including applicability provisions.

Senate File 2190 – Relating to an exemption for a debtor's personal property from execution by creditors in a bankruptcy action.

Senate File 2218 – 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.

Senate File 2237 – Relating to nonsubstantive Code corrections and providing effective dates and for retroactive applicability.

Senate File 2263 – Relating to the office of the long-term care resident’s advocate, and providing penalties.

Senate File 2272 – Relating to the Iowa life and health insurance guaranty association regarding coverage, benefits, duties, powers, rights, the operation of the Iowa life and health insurance guaranty association, and the coordination of coverage and benefits with those of similar associations of other states, and to the Iowa insurance guaranty association with respect to covered claims, benefits, limitations, duties, and powers of the Iowa insurance guaranty association, and coordination and cooperation by it with similar associations of other states.

Senate File 2289 – Relating to deaccreditation of a school district by the state board of education and to the disposition of certain former school district funds, and including effective date, validation, and retroactive applicability provisions.

Senate File 2298 – Relating to the attendance of a child at juvenile court hearings or meetings during the pendency of a child in need of assistance case.

Senate File 2303 – Relating to detainers lodged against parolees in this state.

Senate File 2325 – Relating to the practice of mortuary science and to the preneed sale of cemetery and funeral merchandise and funeral services and providing a penalty.

Senate File 2326 – Modifying disciplinary provisions applicable to real estate brokers and salespersons.

Senate File 2340 – Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective date and applicability provisions.

#### AMENDMENT FILED

S-5287      S.F.    2378      House

# JOURNAL OF THE SENATE

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SEVENTY-FIRST CALENDAR DAY  
FORTY-SECOND SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 22, 2010

The Senate met in regular session at 1:40 p.m., President Kibbie presiding.

Prayer was offered by Reverend Todd Zuidema, pastor of the Hope Christian Reformed Church in Hull, Iowa. He was the guest of Senator Feenstra.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Trisha Kempton.

The Journal of Friday, March 19, 2010, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 19, 2010, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 2192**, a bill for an act prohibiting the running of a transfer fee covenant with the title to real property and including effective date and applicability provisions.

ALSO: That the House has on March 19, 2010, **amended and passed** the following bills in which the concurrence of the Senate is asked:

**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. (S-5288)

**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. (S-5290)

**Senate File 2333**, a bill for an act relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse. (S-5289)

**Senate File 2367**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions. (S-5291)

**Senate File 2380**, a bill for an act relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions. (S-5292)

ALSO: That the House has on March 19, 2010, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

**House File 674**, a bill for an act relating to reporting the treatment of serious wounds received as the result of a crime to a law enforcement agency and making penalties applicable.

ALSO: That the House has on March 19, 2010, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 2512**, a bill for an act concerning weight limits for certain commercial motor vehicles on noninterstate highways.

Read first time and attached to **similar Senate File 2315**.

The Senate stood at ease at 1:46 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:26 p.m., President Kibbie presiding.



## HOUSE AMENDMENT CONSIDERED

**Senate File 2226**

Senator Warnstadt called up for consideration **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, amended by the House in House amendment S-5290, filed March 22, 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 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, 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.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2380**

Senator Bolkcom called up for consideration **Senate File 2380**, a bill for an act relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions, amended by the House in House amendment S-5292, filed March 22, 2010.

Senator Bolkcom 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 Bolkcom 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 a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2380), the vote was:

Yeas, 31:

Appel	Dvorsky	Jochum	Schmitz
Beall	Fraise	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dotzler	Horn	Rielly	

Nays, 19:

Bartz	Hahn	Kapucian	Seymour
Behn	Hamerlinck	Kettering	Ward
Boettger	Hartsuch	McKinley	Wieck
Dearden	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	

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**  
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2382.

**Senate File 2382**

On motion of Senator Stewart, **Senate File 2382**, a bill for an act relating to fuel, including standards for biodiesel blended fuel, and excise taxes imposed upon special fuel, including biodiesel fuel and diesel fuel used in the production of biodiesel blended fuel, was taken up for consideration.

Senator Stewart offered amendment S-5295, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5295 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. 2382), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	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
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, 1:

Hamerlinck

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  
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2290.

**Senate File 2290**

On motion of Senator Schoenjahn, **Senate File 2290**, a bill for an act relating to the use of certain regular physical plant and equipment levy funds and including effective date provisions, placed on the Unfinished Business Calendar on March 11, 2010, was taken up for consideration.

Senator Warnstadt withdrew amendment S-5166, filed by him on March 1, 2010, to page 1 of the bill.

Senator Warnstadt withdrew amendment S-5167, filed by him on March 1, 2010, to page 1 of the bill.

Senator Warnstadt withdrew amendment S-5169, filed by him on March 1, 2010, to pages 1 and 2 and amending the title page of the bill.

Senator Dandekar asked and received unanimous consent to withdraw amendment S-5245, filed by Senator Dandekar, et al., on March 15, 2010, to page 1 of the bill.

Senator Dandekar asked and received unanimous consent to withdraw amendment S-5272, filed by Senator Dandekar, et al., on March 17, 2010, to page 1 of the bill.

Senator Schoenjahn asked and received unanimous consent that **House File 2462** be **substituted** for **Senate File 2290**.

**House File 2462**

On motion of Senator Schoenjahn, **House File 2462**, a bill for an act relating to the use of certain regular physical plant and equipment levy funds and including effective date provisions, was taken up for consideration.

Senator Warnstadt offered amendment S-5261, filed by him on March 16, 2010, to page 1 of the bill.

Senator Warnstadt asked and received unanimous consent that action on amendment S-5261 be deferred.

Senator Courtney offered amendment S-5296, filed by Senators Courtney, Dandekar, and McCoy from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5296 be adopted?" (H.F. 2462), the vote was:

Yeas, 40:

Appel	Fraise	Jochum	Reynolds
Bartz	Gronstal	Johnson	Schmitz
Beall	Hahn	Kapucian	Seng
Behn	Hamerlinck	Kettering	Seymour
Black	Hancock	McCoy	Sodders
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Hatch	Noble	Ward
Courtney	Hogg	Olive	Warnstadt
Dandekar	Horn	Quirnbach	Wieck
Dearden	Houser	Ragan	Zaun

Nays, 10:

Danielson	Feenstra	Kreiman	Wilhelm
Dotzler	Heckroth	Rielly	
Dvorsky	Kibbie	Schoenjahn	

Absent, none.

Amendment S-5296 was adopted.

With the adoption of amendment S-5296, the Chair ruled amendment S-5261, previously deferred, out of order.

Senator Warnstadt withdrew amendment S-5265, filed by him on March 17, 2010, to page 1 of the bill.

Senator Warnstadt offered amendment S-5266, filed by him on March 17, 2010, to page 1 of the bill, and moved its adoption.

Amendment S-5266 lost by a voice vote.

Senator Warnstadt offered amendment S-5267, filed by him on March 17, 2010, to page 1 of the bill.

Senator Warnstadt asked and received unanimous consent that action on amendment S-5267 be deferred.

Senator Warnstadt offered amendment S-5268, filed by him on March 17, 2010, to pages 1 and 2 and amending the title page of the bill.

Senator Warnstadt asked and received unanimous consent that action on amendment S-5268 be deferred.

Senator Dandekar asked and received unanimous consent to withdraw amendment S-5284, filed by Senator Dandekar, et al., on March 18, 2010, to page 1 of the bill.

Senator Courtney offered amendment S-5297, filed by Senator Courtney, et al., from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5297 be adopted?" (H.F. 2462), the vote was:

Yeas, 38:

Appel	Fraise	Jochum	Rielly
Bartz	Gronstal	Johnson	Seng
Behn	Hahn	Kapucian	Seymour
Black	Hamerlinck	Kettering	Sodders
Bolkcom	Hancock	McCoy	Ward
Courtney	Hartsuch	McKinley	Warnstadt
Dandekar	Hatch	Noble	Wieck
Dearden	Hogg	Olive	Zaun
Dotzler	Horn	Ragan	
Feenstra	Houser	Reynolds	

Nays, 12:

Beall	Dvorsky	Kreiman	Schoenjahn
Boettger	Heckroth	Quirmbach	Stewart
Danielson	Kibbie	Schmitz	Wilhelm

Absent, none.

Amendment S-5297 was adopted.

The Senate resumed consideration of amendment S-5267, previously deferred.

Senator Warnstadt withdrew amendment S-5267.

The Senate resumed consideration of amendment S-5268, previously deferred.

Senator Gronstal asked and received unanimous consent that action on amendment S-5268 and **House File 2462** be **deferred**.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hatch, until he returns, on request of Senator Fraise.

#### HOUSE AMENDMENT CONSIDERED

#### **Senate File 2378**

Senator Hancock called up for consideration **Senate File 2378**, a bill for an act relating to and making appropriations to the justice system, providing for fees and fines, and including effective date provisions, amended by the House in House amendment S-5287, filed March 19, 2010.

Senator Hancock offered amendment S-5301, filed by him from the floor to pages 8-10 of House amendment S-5287, and moved its adoption.

Amendment S-5301 was adopted by a voice vote.

Senator Hancock moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Hancock moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last

time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2378), the vote was:

Yeas, 30:

Appel	Dotzler	Kibbie	Schoenjahn
Beall	Dvorsky	Kreiman	Seng
Black	Fraise	McCoy	Sodders
Bolkcom	Gronstal	Olive	Stewart
Courtney	Hancock	Quirnbach	Warnstadt
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Rielly	
Dearden	Jochum	Schmitz	

Nays, 19:

Bartz	Hamerlinck	Kapucian	Seymour
Behn	Hartsuch	Kettering	Ward
Boettger	Horn	McKinley	Wieck
Feenstra	Houser	Noble	Zaun
Hahn	Johnson	Reynolds	

Absent, 1:

Hatch

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2226, 2378, 2380, and 2382** 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:

Nancy Magnall, Child Welfare Advisory Committee

Michaela "Shelley" Parbs, Credit Union Review Board

James Snyder, Commission on the Deaf



Robert Vizzini, Commission on the Deaf

Sara Monroy-Huddleston, Iowa Empowerment Board

Samantha Erickson, Iowa Great Places Board

Stanley Haugland, Board of Hearing Aid Dispensers

Lynn Crannell, Mental Health, Mental Retardation, Developmental Disabilities and Brain Injury Commission

Wayne Clinton, Mental Health Risk Pool Board

Jane Hasek, Board of Nursing

Jeff Hove, Renewable Fuel Infrastructure Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question “Shall the appointees be confirmed?” the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hancock	McKinley	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Hatch

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 4:54 p.m. until the completion of a meeting of the committee on Appropriations.

## EVENING SESSION

The Senate reconvened at 5:37 p.m., President Pro Tempore Danielson presiding.

## CONFERENCE COMMITTEE REPORT RECEIVED

**House File 2456**

A conference committee report, signed by the following Senate and House members, was filed March 22, 2010, on **House File 2456**, a bill for an act concerning the use of electronic communication devices while driving, including prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties:

On the part of the Senate:

JEFF DANIELSON, Chair  
BILL HECKROTH  
TOM RIELLY

On the part of the House:

CURT HANSON, Chair  
CHRIS HAGENOW  
JIM LYKAM  
RICK OLSON  
DAVID TJEPKES

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Seymour, until he returns, on request of Senator Kettering.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2333**

Senator Dotzler called up for consideration **Senate File 2333**, a bill for an act relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse, amended by the House in House amendment S-5289, filed March 22, 2010.

Senator Dotzler 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 Dotzler 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. 2333), the vote was:

Yeas, 48:

Appel	Dvorsky	Jochum	Reynolds
Bartz	Feenstra	Johnson	Rielly
Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seng
Boettger	Hamerlinck	Kreiman	Sodders
Bolkcom	Hancock	McCoy	Stewart
Courtney	Hartsuch	McKinley	Ward
Dandekar	Heckroth	Noble	Warnstadt
Danielson	Hogg	Olive	Wieck
Dearden	Horn	Quirnbach	Wilhelm
Dotzler	Houser	Ragan	Zaun

Nays, none.

Absent, 2:

Hatch                      Seymour

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2522 and 2525.

## House File 2522

On motion of Senator Dotzler, **House File 2522**, a bill for an act 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 and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Kettering offered amendment S-5299, filed by him from the floor to page 5 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5299 be adopted?" (H.F. 2522), the vote was:

Yeas, 22:

Appel	Feenstra	Johnson	Reynolds
Bartz	Hahn	Kapucian	Ward
Behn	Hamerlinck	Kettering	Wieck
Black	Hancock	Kreiman	Zaun
Boettger	Hartsuch	McKinley	
Dandekar	Houser	Noble	

Nays, 26:

Beall	Fraise	McCoy	Seng
Bolkcom	Gronstal	Olive	Sodders
Courtney	Heckroth	Quirnbach	Stewart
Danielson	Hogg	Ragan	Warnstadt
Dearden	Horn	Rielly	Wilhelm
Dotzler	Jochum	Schmitz	
Dvorsky	Kibbie	Schoenjahn	

Absent, 2:

Hatch	Seymour
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Amendment S-5299 lost.

Senator Dotzler offered amendment S-5294, filed by him from the floor to pages 11, 14, and 15 of the bill, and moved its adoption.

Amendment S-5294 was adopted by a voice vote.

(House File 2522 was deferred.)

## SPECIAL GUEST

Senator Danielson welcomed to the Senate chamber the Honorable Jeff Angelo, former member of the Senate from Union County, Creston, Iowa.

The Senate rose and expressed its welcome.

The Senate resumed consideration of House File 2522.

Senator Hahn offered amendment S-5298, filed by Senators Hahn and Feenstra from the floor to page 14 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5298 be adopted?" (H.F. 2522), the vote was:

Yeas, 17:

Bartz	Hamerlinck	Kettering	Wieck
Behn	Hartsuch	McKinley	Zaun
Boettger	Houser	Noble	
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Ward	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 2:

Hatch	Seymour
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Amendment S-5298 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Zaun, until he returns, on request of Senator Kettering.

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?" (H.F. 2522), the vote was:

Yeas, 30:

Appel	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Fraise	McCoy	Sodders
Bolkcom	Gronstal	Olive	Stewart
Courtney	Hancock	Quirmbach	Warnstadt
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Nays, 17:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	Kreiman	Wieck
Boettger	Houser	McKinley	
Feenstra	Johnson	Noble	
Hahn	Kapucian	Reynolds	

Absent, 3:

Hatch	Seymour	Zaun
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## House File 2525

On motion of Senator Seng, **House File 2525**, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Seng offered amendment S-5300, filed by him from the floor to pages 1, 4, 8, and 14 of the bill.

Senator Bolkcom withdrew amendment S-5303, filed by him from the floor to pages 1 and 2 of amendment S-5300.

Senator Seng moved the adoption of amendment S-5300.

Amendment S-5300 was adopted by a voice vote.

Senator Kettering offered amendment S-5293, filed by him from the floor to page 12 of the bill.

Senator Courtney asked and received unanimous consent that action on amendment S-5293 be deferred.

Senator Heckroth offered amendment S-5302, filed by him from the floor to page 14 of the bill, and moved its adoption.

Amendment S-5302 was adopted by a voice vote.

(House File 2525 was deferred.)

The Senate stood at ease at 6:32 p.m. until the fall of the gavel.

The Senate resumed session at 6:33 p.m., President Pro Tempore Danielson presiding.

The Senate resumed consideration of House File 2525 and amendment S-5293, previously deferred.

Senator Kettering moved the adoption of amendment S-5293.

Amendment S-5293 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?" (H.F. 2525), the vote was:

Yeas, 30:

Appel	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Fraise	McCoy	Sodders
Bolkcom	Gronstal	Olive	Stewart
Courtney	Hancock	Quirnbach	Warnstadt
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Nays, 17:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	Kreiman	Wieck
Boettger	Houser	McKinley	
Feenstra	Johnson	Noble	
Hahn	Kapucian	Reynolds	

Absent, 3:

Hatch	Seymour	Zaun
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2333** and **House Files 2522** and **2525** be **immediately messaged** to the House.

### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 22, 2010, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**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. (S-5305)

ALSO: That the House has on March 22, 2010, **amended** the Senate amendment, **concurrent** in the Senate amendment **as amended, and passed** the following bill in which the concurrence of the Senate is asked:

**House File 2438**, a bill for an act relating to the criminal offense of enticing or attempting to entice a minor and providing penalties. (S-5304)

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:38 p.m. until 8:45 a.m., Tuesday, March 23, 2010.



## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Joel Everist, Mason City—For being named one of the Top 10 High School Choir Directors in the United States. Senator Ragan (3/22/10).

Kathryn Gardemann, Shellsburg—For celebrating her 90<sup>th</sup> birthday. Senator Kapucian (3/22/10).

Roelofina Groenenboom, Oskaloosa—For celebrating her 90<sup>th</sup> birthday. Senator Rielly (3/22/10).

Alberta Sharp, Grundy Center—For celebrating her 90<sup>th</sup> birthday. Senator Kapucian (3/22/10).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convened:** Monday, March 22, 2010, 5:00 p.m.

**Members Present:** Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolkom, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hahn, Hancock, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt.

**Members Absent:** Hatch (excused).

**Committee Business:** Passed HF 2526.

**Recessed:** 5:05 p.m.

**Reconvened:** 5:20 p.m.

**Adjourned:** 5:25 p.m.

#### RULES AND ADMINISTRATION

**Convened:** Monday, March 22, 2010, 6:40 p.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Boettger, Danielson, Dearden, Dvorsky, Kettering, and Ragan.

**Members Absent:** Courtney and Zaun (both excused).

**Committee Business:** Passed SR 113.

**Adjourned:** 6:45 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION,  
INFRASTRUCTURE, AND CAPITALS**

**Convened:** Monday, March 22, 2010, 12:10 p.m.

**Members Present:** McCoy, Chair; Warnstadt, Vice Chair; Seymour, Ranking Member; and Beall.

**Members Absent:** Hamerlinck (excused).

**Committee Business:** Discussion and overview of infrastructure spreadsheets.

**Adjourned:** 12:50 p.m.

**INTRODUCTION OF RESOLUTIONS**

**Senate Joint Resolution 2009**, by Gronstal and McKinley, a joint resolution to nullify administrative rules of the department of public safety concerning automatic residential fire sprinkler systems and providing an effective date.

Read first time under Rule 28 and referred to committee on **State Government**.

**Senate Resolution 113**, by Quirnbach, a resolution honoring David K. Rehbein, National Commander of the American Legion, for his national service.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

**STUDY BILLS RECEIVED**

**SSB 3254      Ways and Means**

Relating to assessment of telecommunications company property for purposes of property taxation, and including effective date and applicability provisions.

**SSB 3255      Ways and Means**

Concerning live dog racing at pari-mutuel dog racetracks, establishing fees, and including effective date provisions.

**SUBCOMMITTEE ASSIGNMENTS****Senate Joint Resolution 2009**

STATE GOVERNMENT: Danielson, Chair; Feenstra and Sadders

**House File 2526**

APPROPRIATIONS: Hatch, Chair; Dvorsky and Johnson

**SSB 3254**

WAYS AND MEANS: Dotzler, Chair; Feenstra and Hogg

**SSB 3255**

WAYS AND MEANS: Jochum, Chair; Bolkcom and Hamerlinck

**FINAL COMMITTEE REPORTS OF BILL ACTION****APPROPRIATIONS**

**Bill Title:** HOUSE FILE 2526 (HSB 736), a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 15: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, 1: Hatch.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**RULES AND ADMINISTRATION**

**Bill Title:** SENATE RESOLUTION 113, a resolution honoring David K. Rehbein, National Commander of the American Legion, for his national service.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 9: Gronstal, Kibbie, McKinley, Boettger, Danielson, Dearden, Dvorsky, Kettering, and Ragan. Nays, none. Absent, 2: Courtney and Zaun.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 22, 2010, the Governor approved and transmitted to the Secretary of State the following bills:

Senate File 2178 – Relating to textbooks and laptop computers or other personal portable computing devices adopted for use by school districts and provided to public and accredited nonpublic school students.

Senate File 2197 – Relating to the enforcement of criminal law provisions including providing false identification information and public indecent exposure and providing penalties.

Senate File 2202 – Relating to rights of persons with disabilities.

Senate File 2224 – Relating to boards of administration for horizontal property.

Senate File 2234 – Relating to the regulation of motor vehicle franchises.

Senate File 2299 – Relating to grain transactions by regulating grain dealers and warehouse operators, providing for fees, and making penalties applicable.

Senate File 2357 – 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.

### BILL ASSIGNED TO COMMITTEE

President Kibbie announced the assignment of the following bill to committee:

H.F. 2526 Appropriations

### AMENDMENTS FILED

S-5288	S.F.	2215	House
S-5289	S.F.	2333	House
S-5290	S.F.	2226	House
S-5291	S.F.	2367	House
S-5292	S.F.	2380	House

S-5293	H.F.	2525	Steve Kettering
S-5294	H.F.	2522	William A. Dotzler, Jr.
S-5295	S.F.	2382	Roger Stewart
S-5296	H.F.	2462	Thomas G. Courtney Swati A. Dandekar Matt McCoy
S-5297	H.F.	2462	Thomas G. Courtney Swati A. Dandekar Matt McCoy Jack Hatch Steven J. Soddors Steve Warnstadt William A. Dotzler, Jr. Shawn Hamerlinck David Johnson Kim Reynolds Jerry Behn Paul McKinley Tim L. Kapucian
S-5298	H.F.	2522	James F. Hahn Randy Feenstra
S-5299	H.F.	2522	Steve Kettering
S-5300	H.F.	2525	Joe M. Seng
S-5301	S.F.	2378	Tom Hancock
S-5302	H.F.	2525	Bill Heckroth
S-5303	H.F.	2525	Joe Bolcom
S-5304	H.F.	2438	House
S-5305	S.F.	2310	House
S-5306	H.F.	816	Robert M. Hogg

# JOURNAL OF THE SENATE

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SEVENTY-SECOND CALENDAR DAY  
FORTY-THIRD SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, March 23, 2010

The Senate met in regular session at 8:57 a.m., President Kibbie presiding.

Prayer was offered by Pastor Jerry Helms of the Cornerstone Christian Fellowship Church of the Quad Cities, in Moline, Illinois. He was the guest of Senator Hartsuch.

The Journal of Monday, March 22, 2010, was approved.

## CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Quirmbach asked and received unanimous consent to take up for consideration Senate Resolution 113.

### **Senate Resolution 113**

On motion of Senator Quirmbach, **Senate Resolution 113**, a resolution honoring David K. Rehbein, National Commander of the American Legion, for his national service, with report of committee recommending passage, was taken up for consideration.

Senator Quirmbach moved the adoption of Senate Resolution 113, which motion prevailed by a voice vote.

## SPECIAL GUEST

Senator Quirmbach introduced to the Senate chamber David K. Rehbein, National Commander of the American Legion. He was accompanied by members of the American Legion.

Commander Rehbein addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

### SPECIAL GUESTS

Senator Dotzler introduced to the Senate chamber Cortaz Banks, a 2010 Youth of the Year nominee of the Boys and Girls Club of Black Hawk County.

Senator Zaun introduced to the Senate chamber Kadashia Madison, a 2010 Youth of the Year nominee of the Boys and Girls Club of Central Iowa.

The Senate rose and expressed its welcome.

### RECESS

On motion of Senator Gronstal, the Senate recessed at 9:12 a.m. until the completion of a meeting of the committee on Rules and Administration.

### RECONVENED

The Senate reconvened at 9:14 a.m., President Kibbie presiding.

### FINAL COMMITTEE REPORT OF BILL ACTION

#### RULES AND ADMINISTRATION

**Bill Title:** SENATE RESOLUTION 107, a resolution supporting the Republic of China on Taiwan as a part of the global community.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 10: Gronstal, Kibbie, McKinley, Boettger, Courtney, Danielson, Dearden, Kettering, Ragan, and Zaun. Nays, none. Absent, 1: Dvorsky.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Bolkom asked and received unanimous consent to take up for consideration Senate Resolution 107.

### **Senate Resolution 107**

On motion of Senator Bolkcom, **Senate Resolution 107**, a resolution supporting the Republic of China on Taiwan as a part of the global community, with report of committee recommending passage, was taken up for consideration.

Senator Bolkcom moved the adoption of Senate Resolution 107, which motion prevailed by a voice vote.

### SPECIAL GUESTS

Senator Bolkcom introduced to the Senate chamber Taiwan Dignitaries, Wong Chung Chun, Perry Pei-hwang Shen, Paul C.F. Wang, and David Wu.

Wong Chung Chun addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

The Senate stood at ease at 9:29 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:55 a.m., President Kibbie presiding.

### RECESS

On motion of Senator Gronstal, the Senate recessed at 10:56 a.m. until 2:00 p.m.

### AFTERNOON SESSION

The Senate reconvened at 2:32 p.m., President Kibbie presiding.

The Senate stood at ease at 2:33 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:54 p.m., President Kibbie presiding.



## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 22, 2010, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 2376**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and including effective date and applicability provisions. (S-5309)

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hatch, until he arrives, on request of Senator Appel.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2367**

Senator Danielson called up for consideration **Senate File 2367**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions, amended by the House in House amendment S-5291, filed March 22, 2010.

Senator Danielson withdrew amendment S-5310, filed by him from the floor to pages 1-8 of House amendment S-5291.

Senator Danielson offered amendment S-5315, filed by him from the floor to pages 1-8 of House amendment S-5291, and moved its adoption.

Amendment S-5315 was adopted by a voice vote.

Senator Danielson moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Danielson moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2367), the vote was:

Yeas, 30:

Appel	Dotzler	Kibbie	Schoenjahn
Beall	Dvorsky	Kreiman	Seng
Black	Fraise	McCoy	Sodders
Bolkcom	Gronstal	Olive	Stewart
Courtney	Heckroth	Quirmbach	Warnstadt
Dandekar	Hogg	Ragan	Wilhelm
Danielson	Horn	Rielly	
Dearden	Jochum	Schmitz	

Nays, 19:

Bartz	Hamerlinck	Kapucian	Seymour
Behn	Hancock	Kettering	Ward
Boettger	Hartsuch	McKinley	Wieck
Feenstra	Houser	Noble	Zaun
Hahn	Johnson	Reynolds	

Absent, 1:

Hatch

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## HOUSE AMENDMENT CONSIDERED

### Senate File 2310

Senator Dearden called up for consideration **Senate File 2310**, a bill for an act creating a natural resources and outdoor recreation trust fund to implement a proposed amendment to the Constitution of

the State of Iowa, and providing for contingent implementation, amended by the House in House amendment S-5305, filed March 22, 2010.

Senator Dearden moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Dearden moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2310), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hancock	McKinley	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Hatch

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILLS  
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Files 2496, 2432, and 2310.

**House File 2496**

On motion of Senator Bolkcom, **House File 2496**, a bill for an act relating to recycling initiatives, placed on the Unfinished Business Calendar on March 11, 2010, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Bolkcom offered amendment S-5184, filed by the committee on Environment and Energy Independence on March 3, 2010, to pages 2-4 of the bill.

Senator Bolkcom offered amendment S-5308, filed by him from the floor to page 1 of amendment S-5184, and moved its adoption.

Amendment S-5308 was adopted by a voice vote.

Senator Bolkcom moved the adoption of amendment S-5184, as amended.

Amendment S-5184, as amended, was adopted by a voice vote.

Senator Bolkcom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2496), the vote was:

Yeas, 37:

Appel	Dvorsky	Kibbie	Schoenjahn
Bartz	Fraise	Kreiman	Seng
Beall	Gronstal	McCoy	Sodders
Black	Hancock	Noble	Stewart
Bolkcom	Heckroth	Olive	Ward
Courtney	Hogg	Quirnbach	Warnstadt
Dandekar	Horn	Ragan	Wilhelm
Danielson	Jochum	Reynolds	
Dearden	Johnson	Rielly	
Dotzler	Kapucian	Schmitz	

Nays, 12:

Behn	Hahn	Houser	Seymour
Boettger	Hamerlinck	Kettering	Wieck
Feenstra	Hartsuch	McKinley	Zaun

Absent, 1:

Hatch

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### House File 2432

On motion of Senator Schmitz, **House File 2432**, a bill for an act relating to a study of the opportunities for recruiting racial and ethnic minority teachers from outside the state, placed on the Unfinished Business Calendar on March 11, 2010, with report of committee recommending passage, was taken up for consideration.

Senator Schmitz offered amendment S-5283, filed by her on March 18, 2010, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-5283 was adopted by a voice vote.

With the adoption of amendment S-5283, the Chair ruled amendment S-5269, filed by Senator Hamerlinck on March 17, 2010, to page 1 and amending the title page of the bill, out of order.

With the adoption of amendment S-5283, the Chair ruled amendment S-5210, filed by Senator Johnson on March 9, 2010, to page 1 of the bill, out of order.

Senator Schmitz moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2432), the vote was:

Yeas, 43:

Appel	Dvorsky	Johnson	Rielly
Bartz	Feenstra	Kapucian	Schmitz
Beall	Fraise	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng

Boettger	Hahn	McCoy	Seymour
Bolkcom	Hamerlinck	McKinley	Sodders
Courtney	Hancock	Noble	Stewart
Dandekar	Heckroth	Olive	Ward
Danielson	Hogg	Quirnbach	Warnstadt
Dearden	Horn	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	

Nays, 6:

Behn	Houser	Wieck
Hartsuch	Kettering	Zaun

Absent, 1:

Hatch

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### House File 2310

On motion of Senator Fraise, **House File 2310**, a bill for an act relating to raising or releasing pen-reared pheasants originating from a hatchery approved by the department of natural resources, placed on the Unfinished Business Calendar on March 11, 2010, with report of committee recommending passage, was taken up for consideration.

Senator Fraise moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2310), the vote was:

Yeas, 29:

Bartz	Dvorsky	Kettering	Sodders
Beall	Fraise	Kibbie	Stewart
Behn	Gronstal	McCoy	Warnstadt
Boettger	Hahn	McKinley	Wieck
Courtney	Hamerlinck	Ragan	Zaun
Danielson	Hartsuch	Reynolds	
Dearden	Horn	Seng	
Dotzler	Houser	Seymour	

Nays, 20:

Appel	Hancock	Kapucian	Rielly
Black	Heckroth	Kreiman	Schmitz
Bolkcom	Hogg	Noble	Schoenjahn
Dandekar	Jochum	Olive	Ward
Feenstra	Johnson	Quirmbach	Wilhelm

Absent, 1:

Hatch

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2310** and **House Files 2310, 2432, and 2496** be **immediately messaged** to the House.

### HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

#### House File 2438

Senator Kreiman called up for consideration **House File 2438**, a bill for an act relating to the criminal offense of enticing or attempting to entice a minor and providing penalties, amended by the Senate and further amended by the House in House amendment S-5304 to Senate amendment H-8436, filed March 22, 2010.

Senator Kreiman moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Kreiman moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2438), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hancock	McKinley	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirnbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Hatch

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2438** be **immediately messaged** to the House.

### UNFINISHED BUSINESS (Deferred March 1, 2010)

#### **Senate File 2242**

The Senate resumed consideration of **Senate File 2242**, a bill for an act relating to the Iowa comprehensive petroleum underground storage tank fund, deferred March 1, 2010.

Senator Gronstal offered amendment S-5311, filed by him from the floor, striking and replacing everything after the enacting clause and amending the title page of the bill.

(Senate File 2242 and amendment S-5311 were deferred.)



The Senate stood at ease at 3:38 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 3:58 p.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2242 and amendment S-5311, previously deferred.

Senator Gronstal moved the adoption of amendment S-5311.

Amendment S-5311 was adopted by a voice vote.

Senator Hancock moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2242), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hancock	Olive	Stewart
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

Hatch

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2242** be **immediately messaged** to the House.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 4:08 p.m. until the completion of a meeting of the committee on Appropriations.

## RECONVENED

The Senate reconvened at 4:58 p.m., President Kibbie presiding.

## FINAL COMMITTEE REPORT OF BILL ACTION

## STATE GOVERNMENT

**Bill Title:** SENATE JOINT RESOLUTION 2009, a joint resolution to nullify administrative rules of the department of public safety concerning automatic residential fire sprinkler systems and providing an effective date.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Appel, Kibbie, Feenstra, Behn, Danielson, Dearden, Hartsuch, Horn, Jochum, Soddors, and Wieck. Nays, none. Absent, 4: Black, Courtney, Hatch, and Seymour.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Joint Resolution 2009.

**Senate Joint Resolution 2009**

On motion of Senator Danielson, **Senate Joint Resolution 2009**, a joint resolution to nullify administrative rules of the department of public safety concerning automatic residential fire sprinkler systems and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Danielson moved that the resolution be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the resolution was read the last time.

**Senate Joint Resolution 2009**, a joint resolution to nullify administrative rules of the department of public safety concerning automatic residential fire sprinkler systems and providing an effective date. BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The portions of 661 Iowa administrative code, rule 301.8, that adopt by reference sections R313.1 and R313.2 of the international residential code, 2009 edition, and that amend sections R313.1 and R313.2, by deleting and inserting in lieu thereof and providing exceptions thereto, are nullified.

Sec. 2. EFFECTIVE DATE. This joint resolution, being deemed of immediate importance, takes effect upon enactment.

On the question "Shall the resolution be adopted?" (S.J.R. 2009), the vote was:

Yeas, 49:

Appel	Feenstra	Kapucian	Schoenjahn
Bartz	Fraise	Kettering	Seng
Beall	Gronstal	Kibbie	Seymour
Behn	Hahn	Kreiman	Sodders
Black	Hamerlinck	McCoy	Stewart
Boettger	Hancock	McKinley	Ward
Bolkcom	Hartsuch	Noble	Warnstadt
Courtney	Heckroth	Olive	Wieck
Dandekar	Hogg	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Hatch

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

## HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 23, 2010, **adopted** the conference committee report **and passed House File 2456**, a bill for an act concerning the use of electronic communication devices while driving, including prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties.

## CONFERENCE COMMITTEE REPORT CONSIDERED

### House File 2456

Senator Danielson called up the conference committee report on **House File 2456**, a bill for an act concerning the use of electronic communication devices while driving, including prohibiting a person from writing or sending a text message while driving a motor vehicle and providing penalties, filed on March 22, 2010, and moved its adoption.

The motion prevailed by a voice vote; and the conference committee report, and the recommendations and amendments contained therein, was adopted.

Senator Kapucian raised the point of order that the Conference Committee exceeded its authority under joint rule 13.

The Chair ruled that the conference committee report only addressed issues related to the significant differences between the Senate and House versions of the bill, and therefore the point was not well-taken.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2456), the vote was:

Yeas, 37:

Appel	Dvorsky	Johnson	Schoenjahn
Beall	Feenstra	Kibbie	Seng
Black	Fraise	Kreiman	Sodders

Boettger	Gronstal	McCoy	Stewart
Bolkcom	Hancock	Noble	Ward
Courtney	Heckroth	Olive	Warnstadt
Dandekar	Hogg	Quirnbach	Wilhelm
Danielson	Horn	Ragan	
Dearden	Houser	Rielly	
Dotzler	Jochum	Schmitz	

Nays, 12:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	McKinley	Wieck
Hahn	Kapucian	Reynolds	Zaun

Absent, 1:

Hatch

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Joint Resolution 2009** and **House File 2456** be **immediately messaged** to the House.

The Senate stood at ease at 5:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:06 p.m., President Kibbie presiding.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Wieck, until he returns, on request of Senator Kettering.

#### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2526.

## House File 2526

On motion of Senator Hatch, **House File 2526**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Hatch offered amendment S-5318, filed by Senator Ragan from the floor to pages 4, 7, 8, 13, 14, 19-21, 25, 27, 28, 31, 33, 38, 41, 45, 50, 54, 73, 74, 76, 81, 82, 88-90, and 114 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5318 be adopted?" (H.F. 2526), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Fraise	Kreiman	Seng
Bolkcom	Gronstal	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kapucian	Seymour
Behn	Hancock	Kettering	Ward
Boettger	Hartsuch	McKinley	Zaun
Feenstra	Houser	Noble	
Hahn	Johnson	Reynolds	

Absent, 1:

Wieck

Amendment S-5318 was adopted.

Senator Johnson offered amendment S-5313, filed by him from the floor to page 34 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5313 be adopted?” (H.F. 2526), the vote was:

Yeas, 20:

Bartz	Hahn	Johnson	Olive
Behn	Hamerlinck	Kapucian	Reynolds
Black	Hancock	Kettering	Seymour
Boettger	Hartsuch	McKinley	Ward
Feenstra	Houser	Noble	Zaun

Nays, 29:

Appel	Dvorsky	Kibbie	Seng
Beall	Fraise	Kreiman	Sodders
Bolkcom	Gronstal	McCoy	Stewart
Courtney	Hatch	Quirmbach	Warnstadt
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	
Dotzler	Jochum	Schoenjahn	

Absent, 1:

Wieck

Amendment S–5313 lost.

Senator Hartsuch offered amendment S–5307, filed by him from the floor to page 54 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5307 be adopted?” (H.F. 2526), the vote was:

Yeas, 17:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Zaun
Boettger	Houser	Noble	
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 32:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Black	Fraise	Kibbie	Schoenjahn
Bolkcom	Gronstal	Kreiman	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Olive	Stewart
Danielson	Heckroth	Quirmbach	Warnstadt
Dearden	Hogg	Ragan	Wilhelm

Absent, 1:

Wieck

Amendment S-5307 lost.

Senator McCoy offered amendment S-5319, filed by him from the floor to page 21 of the bill, and moved its adoption.

Amendment S-5319 was adopted by a voice vote.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2526), the vote was:

Yeas, 30:

Appel	Dotzler	Horn	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Black	Fraise	Kibbie	Sodders
Bolkcom	Gronstal	McCoy	Stewart
Courtney	Hancock	Quirmbach	Warnstadt
Dandekar	Hatch	Ragan	Wilhelm
Danielson	Heckroth	Rielly	
Dearden	Hogg	Schmitz	

Nays, 19:

Bartz	Hamerlinck	Kettering	Reynolds
Behn	Hartsuch	Kreiman	Seymour
Boettger	Houser	McKinley	Ward
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Olive	

Absent, 1:

Wieck

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.



## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2526** be **immediately messaged** to the House.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 23, 2010, **amended and passed** the following bills in which the concurrence of the Senate is asked:

**Senate File 2297**, a bill for an act concerning veterans and military service, including waivers and refunds of certain fees, use of state facilities, public utility disconnection of service, and declarations for disposition of remains. (S-5317)

**Senate File 2354**, a bill for an act relating to campaign finance, including political campaign activities and independent expenditures by corporations, making penalties applicable, and including effective date provisions. (S-5316)

ALSO: That the House has on March 23, 2010, **concurred** in the Senate amendment to the House amendment, **and passed** the following bills in which the concurrence of the House was asked:

**Senate File 2200**, a bill for an act relating to transfer of guardianship for a child in need of assistance to the probate court.

**Senate File 2274**, a bill for an act relating to certain national security and military education benefits and programs.

**Senate File 2345**, a bill for an act relating to judicial branch administration, child custody and visitation matters.

ALSO: That the House has on March 23, 2010, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

**House File 726**, a bill for an act providing for unincorporated nonprofit associations, and providing for fees and penalties.

**House File 2229**, a bill for an act prohibiting the imposition by a dental plan of fee schedules for the provision of dental services that are not covered by the plan.

**House File 2473**, a bill for an act relating to criminal offense definitions, penalties, and the forfeiture of an unsecured appearance bond in a criminal proceeding.

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 7:52 p.m. until 10:00 a.m., Wednesday, March 24, 2010.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Gladys Christensen, Algona—For celebrating her 100<sup>th</sup> birthday. Senator Kibbie (3/23/10).

Alfa Hertzke, Lakota—For celebrating her 90<sup>th</sup> birthday. Senator Kibbie (3/23/10).

Howard L. Miller, Algona—For celebrating his 90th birthday. Senator Kibbie (3/23/10).

Bernie and Helen Trower—For celebrating their 57<sup>th</sup> wedding anniversary. Senator Dotzler (3/23/10).

Henrietta Tucker, Algona—For celebrating her 103<sup>rd</sup> birthday. Senator Kibbie (3/23/10).

### REPORTS OF COMMITTEE MEETINGS

#### APPROPRIATIONS

**Convened:** Tuesday, March 23, 2010, 4:10 p.m.

**Members Present:** Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolkcom, Danielson, Dearden, Dotzler, Feenstra, Fraise, Hahn, Hancock, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, Seymour, and Warnstadt.

**Members Absent:** Hatch (excused).

**Committee Business:** Approved SSB 3256.

**Recessed:** 4:15 p.m.

**Reconvened:** 4:35 p.m.

**Adjourned:** 4:40 p.m.

## **RULES AND ADMINISTRATION**

**Convened:** Tuesday, March 23, 2010, 9:10 a.m.

**Members Present:** Gronstal, Chair; Kibbie, Vice Chair; McKinley, Ranking Member; Boettger, Courtney, Danielson, Dearden, Kettering, Ragan, and Zaun.

**Members Absent:** Dvorsky (excused).

**Committee Business:** Passed SR 107.

**Adjourned:** 9:15 a.m.

## **STATE GOVERNMENT**

**Convened:** Tuesday, March 23, 2010, 11:30 a.m.

**Members Present:** Appel, Chair; Kibbie, Vice Chair; Feenstra, Ranking Member; Behn, Danielson, Dearden, Hartsuch, Horn, Jochum, Sodders, and Wieck.

**Members Absent:** Black, Courtney, Hatch, and Seymour (all excused).

**Committee Business:** Passed SJR 2009.

**Adjourned:** 11:35 a.m.

## **WAYS AND MEANS**

**Convened:** Tuesday, March 23, 2010, 11:00 a.m.

**Members Present:** Bolkcom, Chair; McCoy, Vice Chair; Zaun, Ranking Member; Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm.

**Members Absent:** None.

**Committee Business:** Approved SSBs 3233 and 3254.

**Adjourned:** 11:30 a.m.

## INTRODUCTION OF RESOLUTION

**Senate Resolution 114**, by committee on Rules and Administration, a resolution to thank Senator Steve Warnstadt, on the occasion of his retirement from the Iowa Senate, for sixteen years of legislative service.

Read first time under Rule 28 and **placed on calendar**.

## INTRODUCTION OF BILLS

**Senate File 2385**, by committee on Appropriations, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions.

Read first time under Rule 28 and **placed on Appropriations calendar**.

**Senate File 2386**, by committee on Ways and Means, a bill for an act relating to assessment of telecommunications company property for purposes of property taxation, and including effective date and applicability provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

**Senate File 2387**, by committee on Ways and Means, a bill for an act providing for a sales tax exemption for specified purchases made by a regional blood testing laboratory licensed by the federal food and drug administration.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

## STUDY BILL RECEIVED

**SSB 3256      Appropriations**

Relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions.

## SUBCOMMITTEE ASSIGNMENT

**SSB 3256**

APPROPRIATIONS: Dvorsky, Chair; Warnstadt and Kettering

## FINAL COMMITTEE REPORTS OF BILL ACTION

**APPROPRIATIONS**

**Bill Title:** SENATE FILE 2385 (SSB 3256), a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 15: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Fraise, Hancock, Hogg, Jochum, Ragan, Schoenjahn, Seng, and Warnstadt. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, 1: Hatch.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**WAYS AND MEANS**

**Bill Title:** SENATE FILE 2386 (SSB 3254), a bill for an act relating to assessment of telecommunications company property for purposes of property taxation, and including effective date and applicability provisions.

**Recommendation:** WITHOUT RECOMMENDATION.

**Final Vote:** Ayes, 17: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

**ALSO:**

**Bill Title:** \*SENATE FILE 2387 (SSB 3233), a bill for an act providing for a sales tax exemption for specified purchases made by a regional blood testing laboratory licensed by the federal food and drug administration.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 17: Bolkcom, McCoy, Zaun, Bartz, Dandekar, Dotzler, Feenstra, Hamerlinck, Hogg, Houser, Jochum, Quirmbach, Schmitz, Seng, Stewart, Ward, and Wilhelm. Nays, none. Absent, none.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

\*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2387, and they were attached to the committee report.

## BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 23<sup>rd</sup> day of March, 2010:

Senate File 2352.

MICHAEL E. MARSHALL  
Secretary of the Senate

## MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which Senate File 2367 passed the Senate on March 23, 2010.

MICHAEL E. GRONSTAL

WITHDRAWAL AND DEFERRAL OF  
GOVERNOR'S APPOINTEE

The following letters from the Governor were received in the office of the Secretary of the Senate on March 23, 2010:

I am withdrawing the name of Jacobus Lempers to serve as a Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission member from further consideration by the Senate.

Pursuant to Iowa Code section 225C.5(1), please accept this letter as the notice of deferment of the appointment to the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission, formerly held by Carl Smith. This appointment has been deferred because our Administration has initiated, but has not yet completed, the selection process which will result in determining the most appropriate person to nominate for this position.

Sincerely,  
CHESTER J. CULVER  
Governor

AMENDMENTS FILED

S-5307	H.F.	2526	David Hartsuch
S-5308	H.F.	2496	Joe Bolkcom
S-5309	S.F.	2376	House
S-5310	S.F.	2367	Jeff Danielson
S-5311	S.F.	2242	Michael E. Gronstal
S-5312	S.F.	2315	Rich Olive Bill Heckroth Tim L. Kapucian
S-5313	H.F.	2526	David Johnson
S-5314	H.F.	2193	Jeff Danielson
S-5315	S.F.	2367	Jeff Danielson
S-5316	S.F.	2354	House
S-5317	S.F.	2297	House
S-5318	H.F.	2526	Amanda Ragan
S-5319	H.F.	2526	Matt McCoy

# JOURNAL OF THE SENATE

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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	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.

### 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	Quirmbach	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 65<sup>th</sup> wedding anniversary. Senator Courtney (3/24/10).

Gary and Susan Carr, Burlington—For celebrating their 35<sup>th</sup> wedding anniversary. Senator Courtney (3/24/10).

Tom and Donna Heland, Burlington—For celebrating their 30<sup>th</sup> wedding anniversary. Senator Courtney (3/24/10).

Joseph R. Houseman, Burlington—For celebrating his 92<sup>nd</sup> 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:** Bolkcom, 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: Bolkcom, 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



# JOURNAL OF THE SENATE

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SEVENTY-FOURTH CALENDAR DAY  
FORTY-FIFTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Thursday, March 25, 2010

The Senate met in regular session at 9:12 a.m., President Kibbie presiding.

Prayer was offered by Reverend Kevin Gingerich, pastor of the Bloomfield United Methodist Church in Bloomfield, Iowa. He was the guest of Senator Kreiman.

The Journal of Wednesday, March 24, 2010, was approved.

The Senate stood at ease at 9:22 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:55 a.m., President Kibbie presiding.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 25, 2010, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 2279**, a bill for an act relating to voluntary shared work plans under the unemployment compensation program.

**Senate File 2331**, a bill for an act relating to participation of chiropractors in the hawk-i program.

ALSO: That the House has on March 25, 2010, **amended and passed** the following bills in which the concurrence of the Senate is asked:

**Senate File 2250**, a bill for an act creating the criminal offense of robbery in the third degree, and providing a penalty. (S-5326)

**Senate File 2324**, a bill for an act modifying provisions relating to franchises for the provision of cable service or video service, and including effective date provisions. (S-5327)

ALSO: That the House has on March 25, 2010, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

**House File 2459**, a bill for an act establishing a watershed planning advisory council. (S-5328)

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Dandekar, Dvorsky, and Hatch, until they arrive, on request of Senator Gronstal.

#### HOUSE AMENDMENT CONSIDERED

##### **Senate File 2381**

Senator McCoy called up for consideration **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, amended by the House in House amendment S-5320, filed March 24, 2010.

Senator McCoy 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 McCoy 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. 2381), the vote was:

Yeas, 29:

Appel	Fraise	Kreiman	Seng
Beall	Gronstal	McCoy	Sodders
Black	Hancock	Olive	Stewart
Bolkcom	Heckroth	Quirnbach	Warnstadt
Courtney	Hogg	Ragan	Wilhelm
Danielson	Horn	Rielly	
Dearden	Jochum	Schmitz	
Dotzler	Kibbie	Schoenjahn	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 3:

Dandekar	Dvorsky	Hatch
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolution 114.

#### **Senate Resolution 114**

On motion of Senator Gronstal, **Senate Resolution 114**, a resolution to thank Senator Steve Warnstadt, on the occasion of his retirement from the Iowa Senate, for sixteen years of legislative service, was taken up for consideration.

The Senate rose and expressed its tribute to Senator Warnstadt.

Senator Gronstal moved the adoption of Senate Resolution 114, which motion prevailed by a voice vote.

Senator Warnstadt was presented with an enrolled copy of Senate Resolution 114.

Senator Warnstadt addressed the Senate with brief remarks.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2381** be **immediately messaged** to the House.

#### RECESS

On motion of Senator Gronstal, the Senate recessed at 12:38 p.m. until 1:30 p.m.

#### AFTERNOON SESSION

The Senate reconvened at 2:00 p.m., President Kibbie presiding.

#### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 25, 2010, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 2531**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions.

Read first time and attached to **similar Senate File 2385**.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2324**

Senator Warnstadt called up for consideration **Senate File 2324**, a bill for an act modifying provisions relating to franchises for the provision of cable service or video service, and including effective date provisions, amended by the House in House amendment S-5327, filed March 25, 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. 2324), the vote was:

Yeas, 47:

Appel	Fraise	Kapucian	Schmitz
Bartz	Gronstal	Kettering	Schoenjahn
Beall	Hahn	Kibbie	Seng
Behn	Hamerlinck	Kreiman	Seymour
Black	Hancock	McCoy	Sodders
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Heckroth	Noble	Ward
Courtney	Hogg	Olive	Warnstadt
Danielson	Horn	Quirnbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun
Feenstra	Johnson	Rielly	

Nays, none.

Absent, 3:

Dandekar	Dvorsky	Hatch
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT TO  
SENATE AMENDMENT CONSIDERED

**House File 2459**

Senator Hogg called up for consideration **House File 2459**, a bill for an act establishing a watershed planning advisory council, amended by the Senate and further amended by the House in House amendment S-5328 to Senate amendment H-8464, filed March 25, 2010.

Senator Hogg moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Hogg moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2459), the vote was:

Yeas, 47:

Appel	Fraise	Kapucian	Schmitz
Bartz	Gronstal	Kettering	Schoenjahn
Beall	Hahn	Kibbie	Seng
Behn	Hamerlinck	Kreiman	Seymour
Black	Hancock	McCoy	Sodders
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Heckroth	Noble	Ward
Courtney	Hogg	Olive	Warnstadt
Danielson	Horn	Quirnbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun
Feenstra	Johnson	Rielly	

Nays, none.

Absent, 3:

Dandekar	Dvorsky	Hatch
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2250**

Senator Kreiman called up for consideration **Senate File 2250**, a bill for an act creating the criminal offense of robbery in the third degree, and providing a penalty, amended by the House in House amendment S-5326, filed March 25, 2010.

Senator Kreiman 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 Kreiman 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. 2250), the vote was:

Yeas, 47:

Appel	Fraise	Kapucian	Schmitz
Bartz	Gronstal	Kettering	Schoenjahn
Beall	Hahn	Kibbie	Seng
Behn	Hamerlinck	Kreiman	Seymour
Black	Hancock	McCoy	Sodders
Boettger	Hartsuch	McKinley	Stewart
Bolkcom	Heckroth	Noble	Ward
Courtney	Hogg	Olive	Warnstadt
Danielson	Horn	Quirnbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Jochum	Reynolds	Zaun
Feenstra	Johnson	Rielly	

Nays, none.

Absent, 3:

Dandekar	Dvorsky	Hatch
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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 2250 and 2324** and **House File 2459** be **immediately messaged** to the House.

The Senate stood at ease at 2:24 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:11 p.m., President Kibbie presiding.

## HOUSE MESSAGE RECEIVED

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 25, 2010, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 2384**, a bill for an act relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative.

## HOUSE AMENDMENT CONSIDERED

**Senate File 2376**

Senator Schoenjahn called up for consideration **Senate File 2376**, a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and including effective date and applicability provisions, amended by the House in House amendment S-5309, filed March 23, 2010.

Senator Schoenjahn offered amendment S-5330, filed by him from the floor to pages 2-5 of House amendment S-5309, and moved its adoption.

A record roll call was requested.



On the question “Shall amendment S–5330 to House amendment S–5309 be adopted?” (S.F. 2376), the vote was:

Yeas, 29:

Appel	Fraise	Kreiman	Seng
Beall	Gronstal	McCoy	Sodders
Black	Hancock	Olive	Stewart
Bolkcom	Heckroth	Quirnbach	Warnstadt
Courtney	Hogg	Ragan	Wilhelm
Danielson	Horn	Rielly	
Dearden	Jochum	Schmitz	
Dotzler	Kibbie	Schoenjahn	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 3:

Dandekar	Dvorsky	Hatch
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Amendment S–5330 was adopted.

Senator Ragan offered amendment S–5329, filed by Senators Ragan and Bartz from the floor to pages 4 and 5 of House amendment S–5309, and moved its adoption.

Amendment S–5329 was adopted by a voice vote.

Senator Schoenjahn moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Schoenjahn moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2376), the vote was:

Yeas, 28:

Appel	Dotzler	Jochum	Schmitz
Beall	Fraise	Kibbie	Schoenjahn
Black	Gronstal	McCoy	Seng
Bolkcom	Hancock	Olive	Sodders
Courtney	Heckroth	Quirnbach	Stewart
Danielson	Hogg	Ragan	Warnstadt
Dearden	Horn	Rielly	Wilhelm

Nays, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	Kreiman	Ward
Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	

Absent, 3:

Dandekar	Dvorsky	Hatch
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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 2376** be **immediately messaged** to the House.

### RECESS

On motion of Senator Gronstal, the Senate recessed at 3:35 p.m. until 5:00 p.m.

### EVENING SESSION

The Senate reconvened at 5:30 p.m., President Kibbie presiding.

### CONSIDERATION OF BILL (Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2385.

## Senate File 2385

On motion of Senator Dvorsky, **Senate File 2385**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions, was taken up for consideration.

Senator Dvorsky offered amendment S-5331, filed by him from the floor, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-5331 was adopted by a voice vote.

Senator Dvorsky asked and received unanimous consent that **House File 2531** be **substituted** for **Senate File 2385**.

## House File 2531

On motion of Senator Dvorsky, **House File 2531**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions, was taken up for consideration.

(House File 2531 was deferred.)

The Senate stood at ease at 5:32 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:58 p.m., Senator Dotzler presiding.

## ADJOURNMENT

On motion of Senator Rielly, the Senate adjourned at 6:59 p.m. until 8:45 a.m., Friday, March 26, 2010.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Terry E. Stewart, Chairman of the Democratic Party in Dubuque—For celebrating his 65<sup>th</sup> birthday. Senator Jochum (3/25/10).

Cortaz Banks, Black Hawk County—For being named Youth of the Year for the State of Iowa by the Boys and Girls Club of America. Senator Dotzler (3/25/10).

### PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the northeast and northwest Senate gallery:

Fourth and fifth grade students from Harris-Lake Park Elementary. Senator Johnson.

### REPORT OF COMMITTEE MEETING

#### GOVERNMENT OVERSIGHT

**Convened:** Wednesday, March 24, 2010, 12:10 p.m.

**Members Present:** Olive, Chair; Courtney, Vice Chair; Ward, Ranking Member; Soddors and Wieck.

**Members Absent:** None.

**Committee Business:** Testimony from the Iowa Association of School Boards.

**Adjourned:** 1:40 p.m.

### BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

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 25<sup>th</sup> day of March, 2010:

Senate File 2305.

MICHAEL E. MARSHALL  
Secretary of the Senate

## AMENDMENTS FILED

S-5326	S.F.	2250	House
S-5327	S.F.	2324	House
S-5328	H.F.	2459	House
S-5329	S.F.	2376	Amanda Ragan Merlin Bartz
S-5330	S.F.	2376	Brian Schoenjahn
S-5331	S.F.	2385	Robert E. Dvorsky
S-5332	H.F.	2531	David Johnson

# JOURNAL OF THE SENATE

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SEVENTY-FIFTH CALENDAR DAY  
FORTY-SIXTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Friday, March 26, 2010

The Senate met in regular session at 9:04 a.m., President Kibbie presiding.

Prayer was offered by Candy Boucher, who sang "All Good Gifts". She was the guest of Senator Jochum.

The Journal of Thursday, March 25, 2010, was approved.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 25, 2010, **passed** the following bill in which the concurrence of the House was asked:

**Senate File 2373**, a bill for an act relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions.

ALSO: That the House has on March 25, 2010, **amended and passed** the following bills in which the concurrence of the Senate is asked:

**Senate File 2201**, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the Iowa grain indemnity fund board, uniform securities Act, examination of insurance companies, life insurance companies and associations, utilization and cost control, external review of health care coverage decisions, insurance other than life, mortgage guaranty insurance, cemetery and funeral merchandise and funeral services, and regulation of cemeteries and making penalties applicable. (S-5335)

**Senate File 2265**, a bill for an act establishing smart planning principles, establishing guidelines for the adoption of certain comprehensive plans and land development regulations, and providing for the establishment of a smart planning task force. (S-5336)

**Senate File 2356**, a bill for an act relating to health reform in Iowa by providing for options for health care coverage including a premium assistance program study and IowaCare program changes and creating an Iowa insurance information exchange. (S-5334)

**Senate File 2375**, a bill for an act relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions. (S-5333)

The Senate stood at ease at 9:13 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:09 a.m., President Kibbie presiding.

#### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Houser, until he arrives, on request of Senator Behn; Senator Zaun, until he arrives, on request of Senator Hamerlinck; and Senator Seng, until he arrives, on request of Senator Gronstal.

#### 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:

Claibourne Dungy, Prevention of Disabilities Policy Council

Doug Carlson, Board of Massage Therapy

Cindi Grover, Renewable Fuel Infrastructure Board

Senator Gronstal moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 47:

Appel	Dvorsky	Jochum	Reynolds
Bartz	Feenstra	Johnson	Rielly
Beall	Fraise	Kapucian	Schmitz
Behn	Gronstal	Kettering	Schoenjahn
Black	Hahn	Kibbie	Seymour
Boettger	Hamerlinck	Kreiman	Sodders
Bolkcom	Hancock	McCoy	Stewart
Courtney	Hartsuch	McKinley	Ward
Dandekar	Hatch	Noble	Warnstadt
Danielson	Heckroth	Olive	Wieck
Dearden	Hogg	Quirnbach	Wilhelm
Dotzler	Horn	Ragan	

Nays, none.

Absent, 3:

Houser	Seng	Zaun
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The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

#### MOTION TO RECONSIDER WITHDRAWN

#### Senate File 2367

Senator Gronstal withdrew the motion to reconsider **Senate File 2367**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions, filed by him on March 23, 2010, found on page 962 of the Senate Journal.

#### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate File 2367** be **immediately messaged** to the House.



**CONFIRMATION OF GOVERNOR'S APPOINTMENT**  
(Individual Confirmation Calendar)

Senator Gronstal called up the appointment of Ricardo Martinez II as a member of the Iowa Law Enforcement Academy Council, placed on the Individual Confirmation Calendar on March 10, 2010, found on page 785 of the Senate Journal.

Senator Gronstal moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 48:

Appel	Dvorsky	Jochum	Reynolds
Bartz	Feenstra	Johnson	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	Ward
Danielson	Heckroth	Olive	Warnstadt
Dearden	Hogg	Quirnbach	Wieck
Dotzler	Horn	Ragan	Wilhelm

Nays, none.

Absent, 2:

Houser	Zaun
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

**RECESS**

On motion of Senator Gronstal, the Senate recessed at 11:26 a.m. until the fall of the gavel.

**RECONVENED**

The Senate reconvened at 12:59 p.m., President Kibbie presiding.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 1:00 p.m. until 2:00 p.m.

## AFTERNOON SESSION

The Senate reconvened at 2:35 p.m., President Kibbie presiding.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Fraise and Warnstadt, until they return, on request of Senator Courtney.

CONSIDERATION OF BILL  
(Unfinished Business Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House File 2458.

**House File 2458**

On motion of Senator Dearden, **House File 2458**, a bill for an act relating to restrictions on mowing within the right-of-way of interstates, primary highways, and secondary roads, placed on the Unfinished Business Calendar on March 11, 2010, with report of committee recommending passage, 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?" (H.F. 2458), the vote was:

Yeas, 28:

Appel	Dotzler	Horn	Rielly
Beall	Dvorsky	Jochum	Schmitz
Bolkcom	Gronstal	Kibbie	Schoenjahn
Courtney	Hancock	McCoy	Seng
Dandekar	Hatch	Olive	Sodders
Danielson	Heckroth	Quirnbach	Stewart
Dearden	Hogg	Ragan	Wilhelm

Nays, 20:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Seymour
Black	Hartsuch	Kreiman	Ward
Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun

Absent, 2:

Fraise                      Warnstadt

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2458** be **immediately messaged** to the House.

### UNFINISHED BUSINESS (Deferred March 25, 2010)

#### **House File 2531**

The Senate resumed consideration of **House File 2531**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters, and including effective date and retroactive applicability provisions, deferred March 25, 2010.

Senator Feenstra offered amendment S-5341, filed by him from the floor to pages 1, 2, and 6 of the bill.

(House File 2531 and amendment S-5341 were deferred.)

The Senate stood at ease at 2:45 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 3:55 p.m., President Kibbie presiding.

The Senate resumed consideration of House File 2531 and amendment S-5341, previously deferred.

Senator Feenstra moved the adoption of amendment S-5341.

A record roll call was requested.

On the question "Shall amendment S-5341 be adopted?" (H.F. 2531), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 1:

Fraise

Amendment S-5341 lost.

Senator Dvorsky offered amendment S-5360, filed by him from the floor to pages 4, 6, 10, 13, 28-32, 38-40, 42-44, and 46 of the bill.

Senator Hamerlinck asked and received unanimous consent that action on amendment S-5360 be deferred.

Senator Danielson offered amendment S-5359, filed by him from the floor to page 30 of the bill, and moved its adoption.

Amendment S-5359 was adopted by a voice vote.

Senator Dotzler offered amendment S-5369, filed by him from the floor to page 30 of the bill, and moved its adoption.

Amendment S-5369 was adopted by a voice vote.

Senator Hogg offered amendment S-5352, filed by Senator Hogg, et al., from the floor to page 30 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5352 be adopted?" (H.F. 2531), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

Fraise

Amendment S-5352 was adopted.

Senator Heckroth offered amendment S-5339, filed by Senators Heckroth, Olive, and Boettger from the floor to page 31 of the bill, and moved its adoption.

Amendment S-5339 was adopted by a voice vote.

Senator Dotzler offered amendment S-5351, filed by him from the floor to page 31 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5351 be adopted?” (H.F. 2531), the vote was:

Yeas, 49:

Appel	Feenstra	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	Quirmbach	Wilhelm
Danielson	Horn	Ragan	Zaun
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Fraise

Amendment S–5351 was adopted.

Senator Hatch offered amendment S–5357, filed by Senators Hatch and Dvorsky from the floor to page 32 of the bill, and moved its adoption.

Amendment S–5357 was adopted by a voice vote.

Senator Behn offered amendment S–5353, filed by him from the floor to pages 35–37 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5353 be adopted?” (H.F. 2531), the vote was:

Yeas, 20:

Bartz	Hahn	Johnson	Reynolds
Beall	Hamerlinck	Kapucian	Seymour
Behn	Hancock	Kettering	Ward
Boettger	Hartsuch	McKinley	Wieck
Feenstra	Houser	Noble	Zaun

Nays, 29:

Appel	Dvorsky	Kreiman	Seng
Black	Gronstal	McCoy	Sodders
Bolkcom	Hatch	Olive	Stewart
Courtney	Heckroth	Quirnbach	Warnstadt
Dandekar	Hogg	Ragan	Wilhelm
Danielson	Horn	Rielly	
Dearden	Jochum	Schmitz	
Dotzler	Kibbie	Schoenjahn	

Absent, 1:

Fraise

Amendment S-5353 lost.

Senator Jochum offered amendment S-5361, filed by her from the floor to pages 35 and 36 of the bill, and moved its adoption.

Amendment S-5361 was adopted by a voice vote.

Senator Warnstadt withdrew amendment S-5346, filed by him from the floor to page 37 of the bill.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Wilhelm, until she returns, on request of Senator Gronstal.

Senator Bartz offered amendment S-5342, filed by Senator Bartz, et al., from the floor to page 38 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5342 be adopted?" (H.F. 2531), the vote was:

Yeas, 24:

Bartz	Hamerlinck	Kapucian	Rielly
Behn	Hancock	Kettering	Schmitz
Black	Hartsuch	McKinley	Seymour
Boettger	Heckroth	Noble	Ward
Feenstra	Houser	Olive	Wieck
Hahn	Johnson	Reynolds	Zaun

Nays, 24:

Appel	Dearden	Horn	Ragan
Beall	Dotzler	Jochum	Schoenjahn
Bolkcom	Dvorsky	Kibbie	Seng
Courtney	Gronstal	Kreiman	Sodders
Dandekar	Hatch	McCoy	Stewart
Danielson	Hogg	Quirnbach	Warnstadt

Absent, 2:

Fraise	Wilhelm
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Amendment S-5342 lost.

Senator Horn offered amendment S-5350, filed by Senators Fraise, Courtney, and Horn from the floor to pages 38 and 42 of the bill, and moved its adoption.

Amendment S-5350 was adopted by a voice vote.

Senator Sodders withdrew amendment S-5348, filed by him from the floor to page 38 of the bill.

Senator Sodders offered amendment S-5343, filed by him from the floor to page 39 of the bill.

Senator Sodders asked and received unanimous consent that action on amendment S-5343 be deferred.

Senator Johnson offered amendment S-5332, filed by him on March 25, 2010, to page 40 of the bill, and moved its adoption.

Amendment S-5332 was adopted by a voice vote.

Senator Dearden offered amendment S-5338, filed by him from the floor to page 40 of the bill, and moved its adoption.

Amendment S-5338 was adopted by a voice vote.

Senator Gronstal asked and received unanimous consent to withdraw amendment S-5364, filed by Senators Gronstal and Kibbie from the floor to page 40 of the bill.



Senator Dvorsky offered amendment S-5362, filed by Senators Dvorsky and Hatch from the floor to page 42 of the bill, and moved its adoption.

Amendment S-5362 was adopted by a voice vote.

Senator Horn withdrew amendment S-5337, filed by him from the floor to page 42 of the bill.

Senator Hatch offered amendment S-5363, filed by him from the floor to page 42 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 23, nays 26.

Amendment S-5363 lost.

Senator Zaun offered amendment S-5340, filed by Senator Zaun, et al., from the floor to page 46 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5340 be adopted?" (H.F. 2531), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 1:

Fraise

Amendment S-5340 lost.

(House File 2531 was deferred.)

The Senate stood at ease at 5:50 p.m. until the fall of the gavel for the purpose of a Democratic party caucus.

The Senate resumed session at 5:53 p.m., President Kibbie presiding.

The Senate resumed consideration of House File 2531, previously deferred.

Senator Jochum offered amendment S-5344, filed by Senators Jochum and Beall from the floor to page 46 of the bill.

Senator Boettger asked and received unanimous consent that action on amendment S-5344 be deferred.

Senator Bolkom offered amendment S-5345, filed by him from the floor to page 46 of the bill.

Senator Bolkom asked and received unanimous consent that action on amendment S-5345 be deferred.

Senator Hogg offered amendment S-5347, filed by him from the floor to page 46 of the bill.

Senator Feenstra offered amendment S-5368, filed by him from the floor to page 1 of amendment S-5347, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5368 to amendment S-5347 be adopted?" (H.F. 2531), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart

Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 1:

Fraise

Amendment S-5368 lost.

Senator Hogg moved the adoption of amendment S-5347.

A record roll call was requested.

On the question “Shall amendment S-5347 be adopted?” (H.F. 2531), the vote was:

Yeas, 49:

Appel	Feenstra	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
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Fraise

Amendment S-5347 was adopted.

Senator Jochum offered amendment S-5349, filed by Senators Jochum and Beall from the floor to page 46 of the bill, and moved its adoption.

Amendment S-5349 was adopted by a voice vote.

Senator Bolkcom offered amendment S-5354, filed by Senators Bolkcom, Hatch, and Ragan from the floor to page 46 of the bill.

Senator Bolkcom offered amendment S-5384, filed by him from the floor to page 4 of amendment S-5354, and moved its adoption.

Amendment S-5384 was adopted by a voice vote.

Senator Bolkcom moved the adoption of amendment S-5354, as amended.

Amendment S-5354, as amended, was adopted by a voice vote.

Senator Kettering offered amendment S-5355, filed by Senator Kettering, et al., from the floor to page 46 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5355 be adopted?" (H.F. 2531), the vote was:

Yeas, 24:

Appel	Feenstra	Johnson	Reynolds
Bartz	Hahn	Kapucian	Schmitz
Behn	Hamerlinck	Kettering	Seymour
Black	Hartsuch	McKinley	Ward
Boettger	Heckroth	Noble	Wieck
Dandekar	Houser	Olive	Zaun

Nays, 25:

Beall	Gronstal	Kreiman	Sodders
Bolkcom	Hancock	McCoy	Stewart
Courtney	Hatch	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	
Dotzler	Jochum	Schoenjahn	
Dvorsky	Kibbie	Seng	

Absent, 1:

Fraise

Amendment S-5355 lost.

Senator Kreiman offered amendment S-5358, filed by him from the floor to page 46 of the bill, and moved its adoption.

Amendment S-5358 was adopted by a voice vote.

Senator Feenstra offered amendment S-5365, filed by him from the floor to page 46 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5365 be adopted?" (H.F. 2531), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 1:

Fraise

Amendment S-5365 lost.

Senator Zaun offered amendment S-5366, filed by Senators Zaun and Ward from the floor to page 46 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5366 be adopted?" (H.F. 2531), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 1:

Fraise

Amendment S-5366 lost.

Senator Feenstra offered amendment S-5367, filed by him from the floor to page 46 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5367 be adopted?" (H.F. 2531), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng

Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 1:

Fraise

Amendment S-5367 lost.

The Senate resumed consideration of amendment S-5360, previously deferred.

Senator Hatch offered amendment S-5375, filed by him from the floor to page 3 of amendment S-5360, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5375 to amendment S-5360 be adopted?" (H.F. 2531), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

Fraise

Amendment S-5375 was adopted.

Senator Hatch offered amendment S-5377, filed by Senators Hatch, Ragan, and Schmitz from the floor to page 3 of amendment S-5360, and moved its adoption.

Amendment S-5377 was adopted by a voice vote.

Senator Dvorsky called for the following division of amendment S-5360, as amended:

Division S-5360A: Page 1, line 3–Page 4, line 42 and Page 5 line 17–Page 31, line 1; and

Division S-5360B: Page 4, line 43–Page 5, line 16.

Senator Dvorsky withdrew division S-5360B.

Senator Dvorsky moved the adoption of division S-5360A, as amended.

A record roll call was requested.

On the question “Shall division S-5360A, as amended, be adopted?” (H.F. 2531) the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

Fraise

Division S-5360A, as amended, was adopted.



(House File 2531 was deferred.)

The Senate stood at ease at 6:38 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:10 p.m., President Kibbie presiding.

The Senate resumed consideration of House File 2531, previously deferred.

### MOTION TO RECONSIDER ADOPTED

#### House File 2531

Senator Gronstal called up the following motion to reconsider filed by him from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which division S-5360A to House File 2531 was adopted by the Senate on March 26, 2010.

The motion prevailed by a voice vote and division S-5360A, by Senator Dvorsky, was taken up for consideration.

Senator Beall offered amendment S-5389, filed by him from the floor to pages 8, 9, 11, and 12 of division S-5360A, and moved its adoption.

Amendment S-5389 was adopted by a voice vote.

Senator Dvorsky moved the adoption of division S-5360A, as amended.

A record roll call was requested.

On the question "Shall division S-5360A, as amended, be adopted?" (H.F. 2531), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

Fraise

Division S-5360A, as amended, was adopted.

The Senate resumed consideration of amendment S-5343, previously deferred.

Senator Hartsuch withdrew amendment S-5356, filed by him from the floor to page 1 of amendment S-5343.

Senator Sodders moved the adoption of amendment S-5343.

Amendment S-5343 was adopted by a voice vote.

The Senate resumed consideration of amendment S-5344, previously deferred.

Senator Boettger offered amendment S-5383, filed by her from the floor to pages 1 and 2 of amendment S-5344, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5383 to amendment S-5344 be adopted?" (H.F. 2531), the vote was:

Yeas, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Nays, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Absent, 1:

Fraise

Amendment S-5383 lost.

Senator Jochum moved the adoption of amendment S-5344.

Amendment S-5344 was adopted by a voice vote.

The Senate resumed consideration of amendment S-5345, previously deferred.

Senator Bolkcom offered amendment S-5388, filed by him from the floor to pages 2 and 3 of amendment S-5345, and moved its adoption.

Amendment S-5388 was adopted by a voice vote.

Senator Bolkcom moved the adoption of amendment S-5345, as amended.

Amendment S-5345, as amended, was adopted by a voice vote.

Senator Heckroth offered amendment S-5378, filed by him from the floor to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5378 be adopted?" (H.F. 2531), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng

Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

Fraise

Amendment S-5378 was adopted.

Senator Hogg offered amendment S-5380, filed by him from the floor to page 30 of the bill, and moved its adoption.

Amendment S-5380 was adopted by a voice vote.

Senator Kapucian offered amendment S-5385, filed by Senator Kapucian, et al., from the floor to page 40 of the bill.

Senator Rielly asked and received unanimous consent that action on amendment S-5385 be deferred.

Senator Kreiman offered amendment S-5386, filed by Senators Kreiman, Sodders, and Hartsuch from the floor to page 42 of the bill, and moved its adoption.

Amendment S-5386 was adopted by a voice vote.

Senator Beall offered amendment S-5376, filed by Senators Beall, Ragan, and Hancock from the floor to page 45 of the bill, and moved its adoption.

Amendment S-5376 was adopted by a voice vote.

Senator Gronstal asked and received unanimous consent to withdraw amendment S-5379, filed by Senators Gronstal and Kibbie from the floor to page 46 of the bill.

Senator Rielly asked and received unanimous consent that action on **House File 2531** be **deferred**.

## HOUSE AMENDMENTS CONSIDERED

### Senate File 2356

Senator Hatch called up for consideration **Senate File 2356**, a bill for an act relating to health reform in Iowa by providing for options for health care coverage including a premium assistance program study and IowaCare program changes and creating an Iowa insurance information exchange, amended by the House in House amendment S-5334, filed March 26, 2010.

Senator Hatch 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 Hatch 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. 2356), the vote was:

Yeas, 43:

Appel	Feenstra	Kapucian	Rielly
Bartz	Gronstal	Kettering	Schmitz
Beall	Hahn	Kibbie	Schoenjahn
Black	Hamerlinck	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	McKinley	Stewart
Dandekar	Heckroth	Noble	Ward
Danielson	Hogg	Olive	Warnstadt
Dearden	Horn	Quirnbach	Wilhelm
Dotzler	Jochum	Ragan	Zaun
Dvorsky	Johnson	Reynolds	

Nays, 6:

Behn	Hartsuch	Seymour
Boettger	Houser	Wieck

Absent, 1:

Fraise

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

### Senate File 2375

Senator Dotzler called up for consideration **Senate File 2375**, a bill for an act relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions, amended by the House in House amendment S-5333, filed March 26, 2010.

Senator Dotzler 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 Dotzler 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. 2375), the vote was:

Yeas, 49:

Appel	Feenstra	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
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Fraise

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### Senate File 2201

Senator Warnstadt called up for consideration **Senate File 2201**, a bill for an act relating to various matters under the purview of the insurance division of the department of commerce including the Iowa grain indemnity fund board, uniform securities Act, examination of insurance companies, life insurance companies and associations, utilization and cost control, external review of health care coverage decisions, insurance other than life, mortgage guaranty insurance, cemetery and funeral merchandise and funeral services, and regulation of cemeteries and making penalties applicable, amended by the House in House amendment S-5335, filed March 26, 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. 2201), the vote was:

Yeas, 49:

Appel	Feenstra	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
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Fraise

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 2201, 2356, and 2375** be **immediately messaged** to the House.

#### HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 26, 2010, **passed** the following bills in which the concurrence of the House was asked:

**Senate File 2371**, a bill for an act relating to royalty fees for removal of sand and gravel from state-owned lands and waters located on the Cedar river in certain counties and including effective date provisions.

**Senate File 2387**, a bill for an act providing for a sales tax exemption for specified purchases made by a regional blood testing facility registered by the federal food and drug administration.

ALSO: That the House has on March 26, 2010, **adopted** the following resolution in which the concurrence of the House was asked:



**Senate Joint Resolution 2009**, a joint resolution to nullify administrative rules of the department of public safety concerning automatic residential fire sprinkler systems and providing an effective date.

ALSO: That the House has on March 26, 2010, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

**House File 2193**, a bill for an act relating to emergency medical care providers, emergency medical care service programs and emergency medical care services training programs, and providing penalties.

**House File 2294**, a bill for an act relating to the distribution of moneys from the disaster aid individual assistance grant fund.

**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.

**House File 2496**, a bill for an act relating to recycling initiatives.

ALSO: That the House has on March 26, 2010, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bills in which the concurrence of the Senate is asked:

**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. (S-5381)

**House File 2525**, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective date provisions. (S-5382)

ALSO: That the House has on March 26, 2010, **adopted** the following resolution in which the concurrence of the Senate is asked:

**House Concurrent Resolution 108**, a concurrent resolution to approve and confirm the appointment of the Citizens' Aide.

Read first time and referred to committee on **Rules and Administration**.

ALSO: That the House has on March 26, 2010, **passed** the following bill in which the concurrence of the Senate is asked:

**House File 2532**, a bill for an act exempting from the computation of the state individual income tax certain amounts received from the veterans trust fund and including a retroactive applicability provision.

Read first time and referred to committee on **Ways and Means**.

### HOUSE AMENDMENTS TO SENATE AMENDMENTS CONSIDERED

#### **House File 2284**

Senator Bolkcom called up for consideration **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, amended by the Senate and further amended by the House in House amendment S-5381 to Senate amendment H-8380, filed March 26, 2010.

Senator Bolkcom moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Bolkcom moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2284), the vote was:

Yeas, 49:

Appel	Feenstra	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
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Fraise

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## House File 2525

Senator Seng called up for consideration **House File 2525**, a bill for an act relating to and making appropriations involving state government, by providing for agriculture, natural resources, and environmental protection, and including effective date provisions, amended by the Senate and further amended by the House in House amendment S-5382 to Senate amendment H-8539, filed March 26, 2010.

Senator Seng moved that the Senate concur in the House amendment to the Senate amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 2525), the vote was:

Yeas, 30:

Appel	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Gronstal	McCoy	Sodders
Bolkcom	Hancock	Olive	Stewart
Courtney	Hatch	Quirnbach	Warnstadt
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Nays, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	Kreiman	Ward
Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	

Absent, 1:

Fraise

The motion prevailed and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Seng moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2525), the vote was:

Yeas, 30:

Appel	Dotzler	Jochum	Schoenjahn
Beall	Dvorsky	Kibbie	Seng
Black	Gronstal	McCoy	Sodders
Bolkcom	Hancock	Olive	Stewart
Courtney	Hatch	Quirmbach	Warnstadt
Dandekar	Heckroth	Ragan	Wilhelm
Danielson	Hogg	Rielly	
Dearden	Horn	Schmitz	

Nays, 19:

Bartz	Hamerlinck	Kettering	Seymour
Behn	Hartsuch	Kreiman	Ward
Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Reynolds	

Absent, 1:

Fraise

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 **House File 2284** be **immediately messaged** to the House.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 7:53 p.m. until the fall of the gavel.

## RECONVENED

The Senate reconvened at 8:16 p.m., President Kibbie presiding.

## FINAL COMMITTEE REPORT OF BILL ACTION

## WAYS AND MEANS

**Bill Title:** HOUSE FILE 2532, a bill for an act exempting from the computation of the state individual income tax certain amounts received from the veterans trust fund and including a retroactive applicability provision.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 17: Bolcom, 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 House File 2532.

**House File 2532**

On motion of Senator Dotzler, **House File 2532**, a bill for an act exempting from the computation of the state individual income tax certain amounts received from the veterans trust fund and including a retroactive applicability provision, with report of committee recommending passage, 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?" (H.F. 2532), the vote was:

Yeas, 49:

Appel	Feenstra	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
Dearden	Houser	Reynolds	
Dotzler	Jochum	Rielly	
Dvorsky	Johnson	Schmitz	

Nays, none.

Absent, 1:

Fraise

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2532** be **immediately messaged** to the House.

### BUSINESS PENDING

### House File 2531

The Senate resumed consideration of **House File 2531**, a bill for an act relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related

matters, and including effective date and retroactive applicability provisions, previously deferred.

The Senate resumed consideration of amendment S-5385, previously deferred.

Senator Rielly offered amendment S-5390, filed by him from the floor to page 1 of amendment S-5385, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5390 to amendment S-5385 be adopted?" (H.F. 2531), the vote was:

Yeas, 15:

Bolkcom	Dotzler	Hogg	Schoenjahn
Courtney	Dvorsky	Jochum	Stewart
Danielson	Gronstal	Quirnbach	Warnstadt
Dearden	Hatch	Rielly	

Nays, 34:

Appel	Hamerlinck	Kibbie	Seng
Bartz	Hancock	Kreiman	Seymour
Beall	Hartsuch	McCoy	Sodders
Behn	Heckroth	McKinley	Ward
Black	Horn	Noble	Wieck
Boettger	Houser	Olive	Wilhelm
Dandekar	Johnson	Ragan	Zaun
Feenstra	Kapucian	Reynolds	
Hahn	Kettering	Schmitz	

Absent, 1:

Fraise

Amendment S-5390 lost.

Senator Rielly offered amendment S-5391, filed by him from the floor to page 1 of amendment S-5385, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5391 to amendment S-5385 be adopted?" (H.F. 2531), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 16:

Bolkcom	Dotzler	Hatch	Quirnbach
Courtney	Dvorsky	Hogg	Rielly
Danielson	Gronstal	Jochum	Stewart
Dearden	Hamerlinck	Kibbie	Warnstadt

Nays, 33:

Appel	Hancock	McCoy	Seymour
Bartz	Hartsuch	McKinley	Sodders
Beall	Heckroth	Noble	Ward
Behn	Horn	Olive	Wieck
Black	Houser	Ragan	Wilhelm
Boettger	Johnson	Reynolds	Zaun
Dandekar	Kapucian	Schmitz	
Feenstra	Kettering	Schoenjahn	
Hahn	Kreiman	Seng	

Absent, 1:

Fraise

Amendment S-5391 lost.

Senator Kapucian moved the adoption of amendment S-5385.

A record roll call was requested.

On the question "Shall amendment S-5385 be adopted?" (H.F. 2531), the vote was:

Yeas, 37:

Appel	Hamerlinck	Kreiman	Sodders
Bartz	Hancock	McCoy	Stewart
Beall	Hartsuch	McKinley	Ward
Behn	Heckroth	Olive	Warnstadt
Black	Horn	Ragan	Wieck
Boettger	Houser	Reynolds	Wilhelm
Courtney	Johnson	Schmitz	Zaun
Dandekar	Kapucian	Schoenjahn	
Feenstra	Kettering	Seng	
Hahn	Kibbie	Seymour	



Nays, 12:

Bolkcom	Dotzler	Hatch	Noble
Danielson	Dvorsky	Hogg	Quirnbach
Dearden	Gronstal	Jochum	Rielly

Absent, 1:

Fraise

Amendment S-5385 was adopted.

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?" (H.F. 2531), the vote was:

Yeas, 31:

Appel	Dotzler	Jochum	Schmitz
Beall	Dvorsky	Kibbie	Schoenjahn
Black	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirnbach	Warnstadt
Danielson	Hogg	Ragan	Wilhelm
Dearden	Horn	Rielly	

Nays, 18:

Bartz	Hamerlinck	Kettering	Ward
Behn	Hartsuch	McKinley	Wieck
Boettger	Houser	Noble	Zaun
Feenstra	Johnson	Reynolds	
Hahn	Kapucian	Seymour	

Absent, 1:

Fraise

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

## WITHDRAWN

Senator Gronstal asked and received unanimous consent that **Senate File 2385** be **withdrawn** from further consideration of the Senate.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2531** be **immediately messaged** to the House.

## HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 26, 2010, **passed** the following bill in which the concurrence of the House was asked:

**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.

ALSO: That the House has on March 26, 2010, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the Senate is asked:

**House File 2526**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions. (S-5392)

## ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 8:34 p.m. until 8:53 a.m., Saturday, March 27, 2010.

## APPENDIX

### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Dubuque Visiting Nurse Association—For 100 years of service. Senator Jochum (3/26/10).

Kyle W. Kephart, Carlisle—For achieving the rank of Eagle Scout, Troop 133. Senator Appel (3/26/10).

Ryan Leach, New Hampton—For achieving the rank of Eagle Scout, Troop 48. Senator Wilhelm (3/26/10).

Lucas Nopoulos, West Branch—For achieving the rank of Eagle Scout, Troop 156. Senator Hahn (3/26/10).

Brady Verlo, West Branch—For achieving the rank of Eagle Scout, Troop 156. Senator Hahn (3/26/10).

### REPORTS OF COMMITTEE MEETINGS

#### JUDICIARY

**Convened:** Thursday, March 25, 2010, 11:30 a.m.

**Members Present:** Kreiman, Chair; Hogg, Vice Chair; Kettering, Ranking Member; Boettger, Fraise, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, and Ward.

**Members Absent:** Soddors, Warnstadt, and Zaun (all excused).

**Committee Business:** Passed SF 2379.

**Recessed:** 11:35 a.m.

**Reconvened:** 12:25 p.m.

**Adjourned:** 12:50 p.m.

#### RULES AND ADMINISTRATION

**Convened:** Friday, March 26, 2010, 7:45 p.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:** Passed HCR 108.

**Adjourned:** 7:50 p.m.

## WAYS AND MEANS

**Convened:** Friday, March 26, 2010, 7:55 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:** Passed HF 2532.

**Adjourned:** 8:00 p.m.

## INTRODUCTION OF RESOLUTION

**Senate Resolution 115**, by Courtney, a resolution requesting the legislative council to act in support of the Iowa board of pharmacy contracting to convene a task force on medical marijuana.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

## STUDY BILL RECEIVED

### **SSB 3258 Appropriations**

Relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date.

## SUBCOMMITTEE ASSIGNMENT

### **SSB 3258**

APPROPRIATIONS: McCoy, Chair; Dvorsky and Seymour

## FINAL COMMITTEE REPORTS OF BILL ACTION

### JUDICIARY

**Bill Title:** SENATE FILE 2379, a bill for an act relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Kreiman, Hogg, Kettering, Boettger, Hancock, Horn, Jochum, Noble, Quirnbach, Schoenjahn, Ward. Nays, none. Absent, 4: Fraise, Sodders, Warnstadt, and Zaun.

**Fiscal Note:** NOT REQUIRED UNDER JOINT RULE 17.

### RULES AND ADMINISTRATION

**Bill Title:** HOUSE CONCURRENT RESOLUTION 108, a concurrent resolution to approve and confirm the appointment of the Citizens' Aide.

**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 SIGNED BY THE GOVERNOR

A communication was received announcing that on March 26, 2010, the Governor approved and transmitted to the Secretary of State the following bill:

Senate File 2305 – Modifying sex offender registry provisions, and providing penalties and including effective date provisions.

## PETITION

The following petition was presented and placed on file:

From 53 residents of Senate District 4 favoring legislation on an Iowa marriage amendment. Senator Kibbie.

## MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 2525 passed the Senate on March 26, 2010.

MICHAEL E. GRONSTAL

## AMENDMENTS FILED

S-5333	S.F.	2375	House
S-5334	S.F.	2356	House
S-5335	S.F.	2201	House
S-5336	S.F.	2265	House
S-5337	H.F.	2531	Wally E. Horn
S-5338	H.F.	2531	Dick L. Dearden
S-5339	H.F.	2531	Bill Heckroth Rich Olive Nancy J. Boettger
S-5340	H.F.	2531	Brad Zaun Steve Kettering Shawn Hamerlinck James F. Hahn Randy Feenstra Nancy J. Boettger Kim Reynolds Tim L. Kapucian Ron Wieck David Johnson Merlin Bartz David Hartsuch James A. Seymour Jerry Behn Paul McKinley
S-5341	H.F.	2531	Randy Feenstra
S-5342	H.F.	2531	Merlin Bartz Jerry Behn Nancy J. Boettger Randy Feenstra James F. Hahn Shawn Hamerlinck David Hartsuch Hubert Houser

			David Johnson
			Tim L. Kapucian
			Steve Kettering
			Paul McKinley
			Larry Noble
			Kim Reynolds
			James A. Seymour
			Pat Ward
			Ron Wieck
			Brad Zaun
S-5343	H.F.	2531	Steven J. Sodders
S-5344	H.F.	2531	Pam Jochum
			Daryl Beall
S-5345	H.F.	2531	Joe Bolkcom
S-5346	H.F.	2531	Steve Warnstadt
S-5347	H.F.	2531	Robert M. Hogg
S-5348	H.F.	2531	Steven J. Sodders
S-5349	H.F.	2531	Pam Jochum
			Daryl Beall
S-5350	H.F.	2531	Gene Fraise
			Thomas G. Courtney
			Wally Horn
S-5351	H.F.	2531	William A. Dotzler, Jr.
S-5352	H.F.	2531	Robert M. Hogg
			Robert E. Dvorsky
			Wally E. Horn
			Swati A. Dandekar
S-5353	H.F.	2531	Jerry Behn
S-5354	H.F.	2531	Joe Bolkcom
			Jack Hatch
			Amanda Ragan
S-5355	H.F.	2531	Steve Kettering
			Merlin Bartz
			Jerry Behn
			Nancy J. Boettger
			Randy Feenstra
			James F. Hahn
			Shawn Hamerlinck
			David Hartsuch
			Hubert Houser
			David Johnson

			Tim L. Kapucian
			Paul McKinley
			Larry Noble
			Kim Reynolds
			James A. Seymour
			Pat Ward
			Ron Wieck
			Brad Zaun
S-5356	H.F.	2531	David Hartsuch
S-5357	H.F.	2531	Jack Hatch
			Robert E. Dvorsky
S-5358	H.F.	2531	Keith A. Kreiman
S-5359	H.F.	2531	Jeff Danielson
S-5360	H.F.	2531	Robert E. Dvorsky
S-5361	H.F.	2531	Pam Jochum
S-5362	H.F.	2531	Robert E. Dvorsky
			Jack Hatch
S-5363	H.F.	2531	Jack Hatch
S-5364	H.F.	2531	Michael E. Gronstal
			John P. Kibbie
S-5365	H.F.	2531	Randy Feenstra
S-5366	H.F.	2531	Brad Zaun
			Pat Ward
S-5367	H.F.	2531	Randy Feenstra
S-5368	H.F.	2531	Randy Feenstra
S-5369	H.F.	2531	William A. Dotzler
S-5370	S.F.	2379	Judiciary
S-5371	S.F.	2379	David Hartsuch
			Jerry Behn
			Steve Kettering
			Kim Reynolds
S-5372	S.F.	2379	Steven J. Soddors
S-5373	S.F.	2379	Steven J. Soddors
S-5374	S.F.	2379	Steven J. Soddors
S-5375	H.F.	2531	Jack Hatch
S-5376	H.F.	2531	Daryl Beall
			Amanda Ragan
			Tom Hancock
S-5377	H.F.	2531	Jack Hatch
			Amanda Ragan
			Becky Schmitz



S-5378	H.F.	2531	Bill Heckroth
S-5379	H.F.	2531	Michael E. Gronstal John P. Kibbie
S-5380	H.F.	2531	Robert M. Hogg
S-5381	H.F.	2284	House
S-5382	H.F.	2525	House
S-5383	H.F.	2531	Nancy J. Boettger
S-5384	H.F.	2531	Joe Bolkom
S-5385	H.F.	2531	Tim L. Kapucian Kim Reynolds David Johnson Steven J. Soddors
S-5386	H.F.	2531	Keith A. Kreiman Steven J. Soddors David Hartsuch
S-5387	S.F.	2379	Judiciary
S-5388	H.F.	2531	Joe Bolkom
S-5389	H.F.	2531	Daryl Beall
S-5390	H.F.	2531	Tom Rielly
S-5391	H.F.	2531	Tom Rielly
S-5392	H.F.	2526	House

# JOURNAL OF THE SENATE

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SEVENTY-SIXTH CALENDAR DAY  
FORTY-SEVENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Saturday, March 27, 2010

The Senate met in regular session at 9:23 a.m., President Kibbie presiding.

A moment of silence was observed by the Senate.

The Journal of Friday, March 26, 2010, was approved.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Fraise and Warnstadt, until they arrive, on request of Senator Gronstal.

## SPECIAL GUEST

Senator Hamerlinck introduced to the Senate chamber his wife, Melissa.

The Senate rose and expressed its welcome.

## CONSIDERATION OF BILL (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2379.

### **Senate File 2379**

On motion of Senator Kreiman, **Senate File 2379**, a bill for an act relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to

persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties, with report of committee recommending passage, was taken up for consideration.

(Senate File 2379 was deferred.)

The Senate stood at ease at 9:28 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 10:10 a.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2379, previously deferred.

Senator Hartsuch offered amendment S-5371, filed by Senator Hartsuch, et al., on March 26, 2010, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5371 be adopted?" (S.F. 2379), the vote was:

Yeas, 20:

Bartz	Hahn	Kapucian	Reynolds
Behn	Hamerlinck	Kettering	Rielly
Boettger	Hartsuch	McCoy	Seymour
Dandekar	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun

Nays, 28:

Appel	Dotzler	Horn	Schmitz
Beall	Dvorsky	Jochum	Schoenjahn
Black	Gronstal	Kibbie	Seng
Bolkcom	Hancock	Kreiman	Sodders
Courtney	Hatch	Olive	Stewart
Danielson	Heckroth	Quirnbach	Ward
Dearden	Hogg	Ragan	Wilhelm

Absent, 2:

Fraise	Warnstadt
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Amendment S-5371 lost.

Senator Kreiman offered amendment S-5370, filed by the committee on Judiciary on March 26, 2010, to pages 1-17 and amending the title page of the bill.

Senator Kreiman offered amendment S-5387, filed by him on March 26, 2010, to page 6 of amendment S-5370, and moved its adoption.

Amendment S-5387 was adopted by a voice vote.

Senator Sodders asked and received unanimous consent that action on amendment S-5370, as amended, be deferred.

Senator Sodders withdrew amendment S-5372, filed by him on March 26, 2010, to page 3 of the bill.

Senator Sodders withdrew amendment S-5373, filed by him on March 26, 2010, to page 5 of the bill.

Senator Sodders withdrew amendment S-5374, filed by him on March 26, 2010, to page 9 of the bill.

The Senate resumed consideration of amendment S-5370, as amended, previously deferred.

(Senate File 2379 and amendment S-5370 were deferred.)

The Senate stood at ease at 11:00 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 11:09 a.m., President Kibbie presiding.

The Senate resumed consideration of Senate File 2379 and amendment S-5370, as amended, previously deferred.

Senator Kreiman moved the adoption of amendment S-5370, as amended.

A record roll call was requested.

On the question "Shall amendment S-5370, as amended, be adopted?" (S.F. 2379), the vote was:

Yeas, 46:

Appel	Feenstra	Kapucian	Schmitz
Beall	Gronstal	Kettering	Schoenjahn

Behn	Hahn	Kibbie	Seng
Black	Hamerlinck	Kreiman	Seymour
Boettger	Hancock	McCoy	Sodders
Bolkcom	Hatch	McKinley	Stewart
Courtney	Heckroth	Noble	Ward
Dandekar	Hogg	Olive	Wieck
Danielson	Horn	Quirnbach	Wilhelm
Dearden	Houser	Ragan	Zaun
Dotzler	Jochum	Reynolds	
Dvorsky	Johnson	Rielly	

Nays, 2:

Bartz	Hartsuch
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Absent, 2:

Fraise	Warnstadt
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Amendment S-5370, as amended, was adopted.

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. 2379), the vote was:

Yeas, 44:

Appel	Feenstra	Kapucian	Rielly
Bartz	Gronstal	Kettering	Schmitz
Beall	Hahn	Kibbie	Schoenjahn
Behn	Hamerlinck	Kreiman	Seng
Black	Hancock	McCoy	Seymour
Boettger	Hartsuch	McKinley	Sodders
Courtney	Heckroth	Noble	Stewart
Dandekar	Hogg	Olive	Ward
Danielson	Horn	Quirnbach	Wieck
Dearden	Houser	Ragan	Wilhelm
Dotzler	Johnson	Reynolds	Zaun

Nays, 4:

Bolkcom	Dvorsky	Hatch	Jochum
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Absent, 2:

Fraise	Warnstadt
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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 2379** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION  
(Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration House Concurrent Resolution 108.

**House Concurrent Resolution 108**

On motion of Senator Gronstal, **House Concurrent Resolution 108**, a concurrent resolution to approve and confirm the appointment of the Citizens' Aide, with report of committee recommending passage, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of House Concurrent Resolution 108, which motion prevailed by a voice vote.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Ward and Seymour, until they return, on request of Senator Kettering.

HOUSE AMENDMENT TO  
SENATE AMENDMENT CONSIDERED**House File 2526**

Senator Hatch called up for consideration **House File 2526**, a bill for an act relating to and making appropriations for health and human services and including other related provisions and appropriations, and providing effective, retroactive, and applicability date provisions, amended by the Senate and further amended by the House in House amendment S-5392 to Senate amendment H-8568, filed March 26, 2010.

(House File 2526 and amendment S-5392 to H-8568 were deferred.)

The Senate stood at ease at 11:46 a.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 11:54 a.m., President Kibbie presiding.

The Senate resumed consideration of House File 2526 and amendment S-5392 to H-8568, previously deferred.

Senator Hatch moved that the Senate concur in the House amendment to the Senate amendment.

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (H.F. 2526), the vote was:

Yeas, 28:

Appel	Dearden	Hogg	Rielly
Beall	Dotzler	Horn	Schmitz
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Gronstal	Kibbie	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Quirmbach	Stewart
Danielson	Heckroth	Ragan	Wilhelm

Nays, 19:

Bartz	Hamerlinck	Kettering	Reynolds
Behn	Hartsuch	Kreiman	Seymour
Boettger	Houser	McKinley	Wieck
Feenstra	Johnson	Noble	Zaun
Hahn	Kapucian	Olive	

Absent, 3:

Fraise	Ward	Warnstadt
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The motion prevailed and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Hatch moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2526), the vote was:

Yeas, 28:

Appel	Dearden	Hogg	Rielly
Beall	Dotzler	Horn	Schmitz
Black	Dvorsky	Jochum	Schoenjahn
Bolkcom	Gronstal	Kibbie	Seng
Courtney	Hancock	McCoy	Sodders
Dandekar	Hatch	Quirnbach	Stewart
Danielson	Heckroth	Ragan	Wilhelm

Nays, 18:

Bartz	Hamerlinck	Kettering	Reynolds
Behn	Hartsuch	Kreiman	Wieck
Boettger	Houser	McKinley	Zaun
Feenstra	Johnson	Noble	
Hahn	Kapucian	Olive	

Absent, 4:

Fraise	Seymour	Ward	Warnstadt
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House Concurrent Resolution 108** be **immediately messaged** to the House.

### RECESS

On motion of Senator Gronstal, the Senate recessed at 12:08 p.m. until the fall of the gavel.

### RECONVENED

The Senate reconvened at 4:37 p.m., President Kibbie presiding.



## RECESS

On motion of Senator Gronstal, the Senate recessed at 4:38 p.m. until 6:30 p.m.

## EVENING SESSION

The Senate reconvened at 8:05 p.m., President Kibbie presiding.

## INTRODUCTION OF BILL

**Senate File 2389**, by committee on Appropriations, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date.

Read first time under Rule 28 and **placed on Appropriations calendar**.

## LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser and Wieck, until they return, on request of Senator McKinley.

UNFINISHED BUSINESS  
(Deferred March 2, 2010)**Senate File 2315**

The Senate resumed consideration of **Senate File 2315**, a bill for an act concerning weight limits for vehicles carrying grain, fertilizer, agricultural lime, or agricultural chemicals on noninterstate highways, deferred March 2, 2010.

Senator Rielly asked and received unanimous consent to withdraw amendment S-5174, filed by the committee on Transportation on March 1, 2010, striking and replacing everything after the enacting clause and amending the title page of the bill.

Senator Olive offered amendment S-5312, filed by Senators Olive, Heckroth, and Kapucian on March 23, 2010, striking and replacing everything after the enacting clause and amending the title page of the bill, and moved its adoption.

Amendment S-5312 was adopted by a voice vote.

Senator Rielly asked and received unanimous consent that **House File 2512** be **substituted** for **Senate File 2315**.

### House File 2512

On motion of Senator Rielly, **House File 2512**, a bill for an act concerning weight limits for vehicles carrying grain, fertilizer, agricultural lime, or agricultural chemicals on noninterstate highways, was taken up for consideration.

Senator Olive 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. 2512), the vote was:

Yeas, 34:

Appel	Gronstal	Kettering	Schoenjahn
Bartz	Hahn	Kibbie	Seng
Beall	Hamerlinck	Kreiman	Seymour
Behn	Hancock	McCoy	Sodders
Black	Hartsuch	McKinley	Stewart
Boettger	Heckroth	Olive	Wilhelm
Courtney	Horn	Ragan	Zaun
Dandekar	Johnson	Reynolds	
Feenstra	Kapucian	Schmitz	

Nays, 11:

Bolkcom	Dotzler	Hogg	Quirmbach
Danielson	Dvorsky	Jochum	Rielly
Dearden	Hatch	Noble	

Absent, 5:

Fraise	Ward	Wieck
Houser	Warnstadt	

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

## WITHDRAWN

Senator Rielly asked and received unanimous consent that **Senate File 2315** be **withdrawn** from further consideration of the Senate.

## IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **House File 2512** be **immediately messaged** to the House.

## FINAL COMMITTEE REPORT OF BILL ACTION

## APPROPRIATIONS

**Bill Title:** SENATE FILE 2389 (SSB 3258), by committee on Appropriations, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 14: Dvorsky, McCoy, Appel, Bolkcom, Danielson, Dearden, Dotzler, Hancock, Hatch, Hogg, Jochum, Ragan, Schoenjahn, and Seng. Nays, 9: Kettering, Bartz, Boettger, Feenstra, Hahn, Johnson, Kapucian, Noble, and Seymour. Absent, 2: Fraise and Warnstadt.

**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 Appropriations Committee on Senate File 2389, and they were attached to the committee report.

CONSIDERATION OF BILL  
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate File 2389.

**Senate File 2389**

On motion of Senator McCoy, **Senate File 2389**, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure

fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on **Senate File 2389** be **deferred**.

### 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 27, 2010, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**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. (S-5393)

### HOUSE AMENDMENT CONSIDERED

#### **Senate File 2383**

Senator Dvorsky called up for consideration **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, amended by the House in House amendment S-5393, filed March 27, 2010.

Senator Dvorsky 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 Dvorsky 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. 2383), the vote was:

Yeas, 42:

Appel	Dvorsky	Johnson	Rielly
Bartz	Gronstal	Kapucian	Schmitz
Beall	Hahn	Kettering	Schoenjahn
Black	Hamerlinck	Kibbie	Seng
Boettger	Hancock	Kreiman	Seymour
Bolkcom	Hartsuch	McCoy	Sodders
Courtney	Hatch	McKinley	Stewart
Dandekar	Heckroth	Olive	Wilhelm
Danielson	Hogg	Quirnbach	Zaun
Dearden	Horn	Ragan	
Dotzler	Jochum	Reynolds	

Nays, 3:

Behn	Feenstra	Noble
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Absent, 5:

Fraise	Ward	Wieck
Houser	Warnstadt	

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.

### BUSINESS PENDING

### Senate File 2389

The Senate resumed consideration of **Senate File 2389**, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the

revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date, previously deferred.

Senator McCoy offered amendment S-5394, filed by him from the floor to pages 19, 28, 47, 56, 57, 76, and 79 of the bill, and moved its adoption.

Amendment S-5394 was adopted by a voice vote.

Senator Dotzler offered amendment S-5395, filed by Senators Dotzler and Bartz from the floor to page 20 of the bill, and moved its adoption.

Amendment S-5395 was adopted by a voice vote.

Senator Heckroth offered amendment S-5396, filed by him from the floor to pages 23, 40, and 41 of the bill, and moved its adoption.

Amendment S-5396 was adopted by a voice vote.

Senator McCoy 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. 2389), the vote was:

Yeas, 29:

Appel	Dvorsky	Kibbie	Schoenjahn
Beall	Gronstal	Kreiman	Seng
Bolkcom	Hancock	McCoy	Sodders
Courtney	Hatch	Olive	Stewart
Dandekar	Heckroth	Quirmbach	Wilhelm
Danielson	Hogg	Ragan	
Dearden	Horn	Rielly	
Dotzler	Jochum	Schmitz	

Nays, 16:

Bartz	Feenstra	Johnson	Noble
Behn	Hahn	Kapucian	Reynolds
Black	Hamerlinck	Kettering	Seymour
Boettger	Hartsuch	McKinley	Zaun

Absent, 5:

Fraise	Ward	Wieck
Houser	Warnstadt	

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 2389** be **immediately messaged** to the House.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:10 p.m. until 2:00 p.m., Monday, March 29, 2010.

### APPENDIX

#### CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Temple Emanuel, Davenport—On the occasion of its 150<sup>th</sup> anniversary. Senator Seng (3/27/10).

#### REPORT OF COMMITTEE MEETING

#### APPROPRIATIONS

**Convened:** Saturday, March 27, 2010, 1:45 p.m.

**Members Present:** Dvorsky, Chair; McCoy, Vice Chair; Kettering, Ranking Member; Appel, Bartz, Boettger, Bolkom, Danielson, Dearden, Dotzler, Feenstra, Hahn, Hancock, Hatch, Hogg, Jochum, Johnson, Kapucian, Noble, Ragan, Schoenjahn, Seng, and Seymour.

**Members Absent:** Fraise and Warnstadt.

**Committee Business:** Approved SSB 3258.

**Recessed:** 1:50 p.m.

**Reconvened:** 2:45 p.m.

**Adjourned:** 3:10 p.m.

### MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 2526 passed the Senate on March 27, 2010.

MICHAEL E. GRONSTAL

### AMENDMENTS FILED

S-5393	S.F.	2383	House
S-5394	S.F.	2389	Matt McCoy
S-5395	S.F.	2389	William A. Dotzler, Jr. Merlin Bartz
S-5396	S.F.	2389	Bill Heckroth



# JOURNAL OF THE SENATE

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SEVENTY-EIGHTH CALENDAR DAY  
FORTY-EIGHTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Monday, March 29, 2010

The Senate met in regular session at 2:13 p.m., President Kibbie presiding.

Prayer was offered by Pastor Bob Speirs of St. John's Lutheran Church in Des Moines, Iowa. He was the guest of Senator Hatch.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Taylor Sedlacek.

The Journal of Saturday, March 27, 2010, was approved.

The Senate stood at ease at 2:17 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:48 p.m., President Kibbie presiding.

## SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate for a special presentation and were thanked by Senators Gronstal and McKinley for their service to the Senate.

Certificates of Excellence for serving with honor and distinction as Senate Pages during the 2010 Regular Session of the Eighty-third General Assembly were given to the following:

Joshua Berg, Bailey Bishop, Matthew Brown, John Cashman, Caroline Dvorsky, Trisha Kempton, Daniel Meyers, Aaron Pope, Alexander Schalla, Taylor Sedlacek, Vanessa Shirley, and Chloe Wilson.

The Senate rose and expressed its appreciation.

The Senate stood at ease at 2:57 p.m. until the fall of the gavel.

The Senate resumed session at 3:33 p.m., President Kibbie presiding.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 29, 2010, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 2379**, a bill for an act relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties and an effective date. (S-5397)

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser, Ward, and Wieck, until they arrive, on request of Senator McKinley; Senators Fraise and Olive, for the day, on request of Senator Gronstal; and Senators McCoy, Rielly, and Seng, until they arrive, on request of Senator Gronstal.

### HOUSE AMENDMENT CONSIDERED

#### **Senate File 2379**

Senator Kreiman called up for consideration **Senate File 2379**, a bill for an act relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties and an effective date, amended by the House in House amendment S-5397, filed March 29, 2010.

Senator Kreiman 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 Kreiman 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. 2379), the vote was:

Yeas, 38:

Appel	Dotzler	Johnson	Schmitz
Bartz	Feenstra	Kapucian	Schoenjahn
Beall	Gronstal	Kettering	Seymour
Behn	Hahn	Kibbie	Sodders
Black	Hamerlinck	Kreiman	Stewart
Boettger	Hancock	McKinley	Warnstadt
Courtney	Hartsuch	Noble	Wilhelm
Dandekar	Heckroth	Quirnbach	Zaun
Danielson	Hogg	Ragan	
Dearden	Horn	Reynolds	

Nays, 4:

Bolkcom	Dvorsky	Hatch	Jochum
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Absent, 8:

Fraise	McCoy	Rielly	Ward
Houser	Olive	Seng	Wieck

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 2379** be **immediately messaged** to the House.

The Senate stood at ease at 3:41 p.m. until the fall of the gavel.

The Senate resumed session at 6:10 p.m., President Kibbie presiding.

### HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 29, 2010, **amended and passed** the following bill in which the concurrence of the Senate is asked:

**Senate File 2389**, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date. (S-5398)

### LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Courtney and Dearden, until they return, on request of Senator Gronstal.

### HOUSE AMENDMENT CONSIDERED

#### **Senate File 2389**

Senator McCoy called up for consideration **Senate File 2389**, a bill for an act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date, amended by the House in House amendment S-5398, filed March 29, 2010.

Senator McCoy 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 McCoy 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. 2389), the vote was:

Yeas, 27:

Appel	Gronstal	Kibbie	Schoenjahn
Beall	Hancock	Kreiman	Seng
Bolkcom	Hatch	McCoy	Sodders
Dandekar	Heckroth	Quirmbach	Stewart
Danielson	Hogg	Ragan	Warnstadt
Dotzler	Horn	Rielly	Wilhelm
Dvorsky	Jochum	Schmitz	

Nays, 17:

Bartz	Hahn	Kettering	Ward
Behn	Hamerlinck	McKinley	Zaun
Black	Hartsuch	Noble	
Boettger	Johnson	Reynolds	
Feenstra	Kapucian	Seymour	

Absent, 6:

Courtney	Fraise	Olive
Dearden	Houser	Wieck

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

### IMMEDIATELY MESSAGED

Senator Bolkcom asked and received unanimous consent that **Senate File 2389** be **immediately messaged** to the House.

The Senate stood at ease at 6:15 p.m. until the fall of the gavel.

The Senate resumed session at 6:29 p.m., President Kibbie presiding.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 6:30 p.m. until 10:00 a.m., Tuesday, March 30, 2010.

### APPENDIX

#### CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Muscatine High School Swimming Program—For its many accomplishments this season. Senator Hahn (3/29/10).

Ben Rivera—For being named to the Iowa High School Swim Coaches Association All-Academic Team. Senator Hahn (3/29/10).

David Roe, Pella—In honor of his retirement as President of Central College. Senator McKinley (3/29/10).

#### AMENDMENTS FILED

S-5397	S.F.	2379	House
S-5398	S.F.	2389	House

## SENATE REPORTS RECEIVED AFTER ADJOURNMENT

The following is a record of Senate reports received after the close of the 2010 Regular Session.

### 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

FY 2009 IowAccess Revolving Fund Annual Report, pursuant to Iowa Code section 8A.224(2). Report received on April 13, 2010.

#### DEPARTMENT OF EDUCATION

Pay for Performance and Career Ladder Final Report, pursuant to Iowa Code sections 284.14(4) and 284.14A(3). Report received on April 9, 2010.

#### DEPARTMENT OF NATURAL RESOURCES

2010 State of the Environment Report. Report received on April 21, 2010.

#### DEPARTMENT OF REVENUE

2009 Retailers Motor Fuel Gallons Annual Report, pursuant to Iowa Code section 452A.33. Report received on April 1, 2010.

#### IOWA WORKFORCE DEVELOPMENT

Unemployment Compensation Trust Fund Annual Status Report, pursuant to Iowa Code section 96.35. Report received on March 25, 2010.

## SENATE BILLS APPROVED, ITEM VETOED, AND VETOED AFTER ADJOURNMENT

The following is a record of action by the Governor transmitted to the Secretary of State after the close of the 2010 Regular Session:

### SENATE BILLS APPROVED

**Senate Joint Resolution 2007** – Supporting the preservation efforts for the Battleship Iowa, BB-61. Approved April 12, 2010.

**Senate File 153** – To allow medical or osteopathic physicians, physician assistants, and advanced registered nurse practitioners to form limited liability companies or professional corporations. Approved April 13, 2010.

**Senate File 285** – Relating to magistrate jurisdiction, specifying certain traffic-related offenses as simple misdemeanors, making other related changes to simple misdemeanor offenses, and providing a penalty. Approved April 21, 2010.

**Senate File 393** – Relating to access to obscene materials and child in need of assistance proceedings and child abuse reporting. Approved April 23, 2010.

**Senate File 431** – Relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date. Approved April 12, 2010.

**Senate File 2156** – Relating to the IowaCare program, and providing for repeals. Approved April 21, 2010.

**Senate File 2158** – Relating to child support recovery including child support provisions for minor parents, medical support, and the review and adjustment process. Approved April 21, 2010.

**Senate File 2175** – Providing for representation of military veterans on certain mental health policy bodies. Approved April 6, 2010.

**Senate File 2192** – Prohibiting the running of a transfer fee covenant with the title to real property and including effective date and applicability provisions. Approved April 23, 2010.

**Senate File 2199** – Relating to the collection of the use tax on manufactured housing, the licensing of manufactured home retailers, amending statutory references to certain types of home dealers, establishing titling procedures for certain manufactured and mobile homes, making penalties applicable, and including effective date provisions. Approved April 7, 2010.

**Senate File 2200** – Relating to transfer of guardianship for a child in need of assistance to the probate court. Approved April 21, 2010.

**Senate File 2201** – Relating to various matters under the purview of the insurance division of the department of commerce including the Iowa grain indemnity fund board, uniform securities Act, examination of insurance companies, life insurance companies and associations, utilization and cost control, external review of health care coverage decisions, insurance other than life, mortgage guaranty insurance, cemetery and funeral merchandise and funeral services, and regulation of cemeteries and making penalties applicable. Approved April 9, 2010.

**Senate File 2215** – Relating to the use of genetic information and samples for genetic testing and providing for civil enforcement. Approved April 23, 2010.

**Senate File 2216** – Allowing certain game birds to be shot when released on a licensed hunting preserve and providing a penalty. Approved April 23, 2010.



**Senate File 2220** – Relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void. Approved April 23, 2010.

**Senate File 2226** – 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. Approved April 27, 2010.

**Senate File 2250** – Creating the criminal offense of robbery in the third degree, and providing a penalty. Approved April 12, 2010.

**Senate File 2254** – Relating to the powers and duties of county treasurers to assess certain property associated with fence disputes and water districts. Approved April 8, 2010.

**Senate File 2267** – Relating to the home modification requirements under the Medicaid home and community-based services waiver for the elderly. Approved April 23, 2010.

**Senate File 2273** – Relating to a study regarding implementation of electronic registration and titling of vehicles, and containing effective date provisions. Approved April 7, 2010.

**Senate File 2274** – Relating to certain national security and military education benefits and programs. Approved April 27, 2010.

**Senate File 2279** – Relating to voluntary shared work plans under the unemployment compensation program. Approved April 7, 2010.

**Senate File 2286** – Relating to the regulation of professional and amateur mixed martial arts matches and events by the labor commissioner and providing penalties. Approved April 9, 2010.

**Senate File 2297** – 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. Approved April 27, 2010.

**Senate File 2304** – Relating to vehicular accident reporting requirements by increasing the minimum amount of property damage necessitating a written report. Approved April 23, 2010.

**Senate File 2310** – 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. Approved April 23, 2010.

**Senate File 2318** – Concerning and affecting veterans and military members, related to employment benefits, professional licensing, and interest rate limit enforcement, and making penalties applicable. Approved April 27, 2010.

**Senate File 2324** – Modifying provisions relating to franchises for the provision of cable service or video service, and including effective date provisions. Approved April 12, 2010.

**Senate File 2331** – Relating to participation of chiropractors in the hawk-i program. Approved April 14, 2010.

**Senate File 2333** – Relating to health care facilities and programs, including hospital inspector requirements and dependent adult abuse. Approved April 29, 2010.

**Senate File 2344** – Relating to the violator facility established within the department of corrections. Approved April 21, 2010.

**Senate File 2345** – Relating to judicial branch administration, child custody and visitation matters. Approved April 23, 2010.

**Senate File 2348** – Providing for the licensing and regulation of real estate closing agents, making penalties applicable, and including effective date provisions. Approved April 7, 2010.

**Senate File 2354** – Relating to campaign finance, including political campaign activities and independent expenditures by corporations, making penalties applicable, and including effective date provisions. Approved April 8, 2010.

**Senate File 2356** – Relating to health reform in Iowa by providing for options for health care coverage including a premium assistance program study and IowaCare program changes and creating an Iowa insurance information exchange. Approved April 14, 2010.

**Senate File 2366** – Relating to public funding and regulatory matters and making, reducing, and supplementing appropriations for expenditures in the fiscal year beginning July 1, 2009, and including effective date and retroactive applicability provisions. Approved April 15, 2010.

**Senate File 2371** – Relating to royalty fees for removal of sand and gravel from state-owned lands and waters located on the Cedar river in certain counties and including effective date provisions. Approved April 23, 2010.

**Senate File 2373** – Relating to the administration of the replacement tax for new cogeneration facilities, and including effective date and retroactive applicability provisions. Approved April 23, 2010.

**Senate File 2375** – Relating to the administration of the sales and use taxes under the streamlined sales tax agreement and including effective date provisions. Approved April 21, 2010.

**Senate File 2376** – Relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, providing for related matters, and including effective date and applicability provisions. Approved April 22, 2010.

**Senate File 2377** – Relating to and making appropriations to the judicial branch. Approved April 28, 2010.

**Senate File 2379** – Relating to permits to carry weapons and permits to acquire pistols and revolvers including the dissemination of information relating to persons suffering from mental and substance abuse health-related disorders and the possession of firearms and providing penalties and an effective date. Approved April 29, 2010.

**Senate File 2380** – Relating to taxation, including the administration and review of certain economic development programs and certain tax incentive programs and the reenactment of the estate tax and including effective date and retroactive and other applicability provisions. Approved April 15, 2010.

**Senate File 2381** – 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. Approved April 28, 2010.

**Senate File 2383** – 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. Approved April 21, 2010.

**Senate File 2384** – Relating to the nursing workforce including the establishment of an Iowa needs nurses now initiative. Approved April 21, 2010.

**Senate File 2387** – Providing for a sales tax exemption for specified purchases made by a regional blood testing facility registered by the federal food and drug administration. Approved April 21, 2010.

**Senate File 2388** – Establishing a hospital health care access assessment program, providing penalties, providing a future repeal, and including effective date and contingent implementation provisions. Approved April 14, 2010.

#### GOVERNOR'S ITEM VETO MESSAGES

##### **Senate File 2389**

April 26, 2010

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 2389**, an Act relating to and making, reducing, and transferring appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, the technology reinvestment fund, the revenue bonds capitals fund, the revenue bonds capitals II fund, the FY 2009 prison bonding fund, and other funds, creating the Iowa jobs II program, and the revenue bonds federal subsidy holdback fund, providing for related matters, and providing an effective date. Senate File 2389 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve paragraph 2 of section 49 of this bill in its entirety. This paragraph imposes certain time restrictions on the ability of the Department of Administrative Services (DAS) to relocate certain state agencies to space in the Mercy Capitol building. I am supportive of those sections of this bill that obligate DAS to undertake cost-benefit analyses before making certain agency relocation decisions, as presented under this section of the bill. However, if paragraph 2 of section 49 of this bill were to be implemented, taxpayer money would not be used in the most efficient manner possible, and certain administrative actions and expenses that had been undertaken prior to the passage of this bill would be unduly interfered with, resulting in the waste of taxpayer funds. For example, DAS has already expended funds and entered into agreements to purchase new telephones and to install new telephone lines into Mercy Capitol. A state agency that has already budgeted for its move to this building will save \$143,000 in annual rental payments, but would be prevented from doing so under this paragraph. The disapproval action I have described will allow DAS to save taxpayer money while prudently investing in Mercy Capitol and in the tenancies of state agencies that will reside there, on a cost-beneficial basis, in coming years.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2389 are hereby approved this date.

Sincerely,  
CHESTER J. CULVER  
Governor

**Senate File 2367**

April 29, 2010

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 2367**, an Act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and including effective date and retroactive applicability provisions. Senate File 2367 is approved on this date, with the exception noted below, which I hereby disapprove.

I am unable to approve the item designated in Section 13, subsection 4, paragraph b of the bill in its entirety. This paragraph directs the Department of Inspections and Appeals to provide information to the public relating to inspections, operating costs, and FTE positions. I strongly encourage the Department to continue its efforts to provide greater transparency, however I disapprove this language because some of this data is already being collected and controlled by the federal government. Because the Department has already made much of this information, especially regarding inspections, part of the public record, the added expense that would be required to

assemble and maintain the information to meet the legislative requirement is fiscally burdensome.

For the above reasons, I respectfully disapprove the designated item in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2367 are hereby approved this date.

Sincerely,  
CHESTER J. CULVER  
Governor

### Senate File 2378

April 29, 2010

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby transmit **Senate File 2378**, an Act relating to and making appropriations to the justice system, modifying certain traffic offenses, fees and fines, and including effective date provisions. Senate File 2378 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 5 of the bill in its entirety. This provisions calls for the Department of Corrections to eliminate the chief security officer position. The funding for this position has already been eliminated as a result of budget cuts and this language is unnecessary.

I am unable to approve the item designated as Section 5, subsection 6 of the bill in its entirety. This provision would require all Community Based Correctional (CBC) Facilities to accept offenders transferred from other judicial districts without consideration of evidence-based practices regarding supervisory status. I disapprove this language to assure that each CBC facility will maintain control of the types and numbers of offenders whom they serve in their respective residential programs.

I also am unable to approve the related section designated as Section 17 of the bill in its entirety. This section creates an effective-upon-enactment date for the item above (Section 4, subsection 5) related to the elimination the Department of Corrections chief security officer position.

I am also unable to approve the item designated as Section 18, subsection 3, lettered paragraph "ag" of the bill in its entirety. This language creates two different fines for violations of Iowa Code section 321.437 related to rear view mirrors and side view mirrors and conflicts with subsection 12, lettered paragraph "b" of the bill. This disapproval will correct the inconsistency immediately rather than waiting for the next legislative session to take corrective action.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 2378 are hereby approved this date.

Sincerely,  
CHESTER J. CULVER  
Governor

#### GOVERNOR'S VETO MESSAGE

#### Senate File 2343

April 28, 2010

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
L O C A L

Dear Mr. Secretary:

I hereby disapprove and transmit to you **Senate File 2343**, an Act relating to the appointment of judicial officers and senior judges, without my signature, in accordance with Article III, Section 16 of the Constitution of the State of Iowa.

I support the principles behind much of Senate File 2343 including: Section 4 that provides additional flexibility for the residency requirements for associate district court judges by requiring residency within the judicial district rather than the current requirement of county; Section 5 that provides additional flexibility in the selection of magistrates by allowing magistrates to be residents of a contiguous county; and Sections 6 through 8 that make technical changes to the senior judge program.

However, I am unable to approve Senate File 2343 for the following reasons. Section 1 of this bill creates an additional requirement on the appointment of Iowans to the district judicial nominating commissions by requiring that only one appointed commissioner may be appointed from each county unless there are fewer counties than commissioners. While I support the concept of geographic representation among the appointed members of the district judicial nominating commissions, I believe this is most appropriately applied as a criterion in choosing individuals for appointment to the commissions rather than as a statutory mandate. By placing this requirement in law, qualified individuals who wish to serve on the commissions may be excluded from service simply because there is currently a member of the commission from that county.

Sections 2 and 3 of this bill substantially alter the process for filling judicial vacancies, by allowing the Chief Justice of the Supreme Court the authority to delay the appointment of judges and associate judges for up to one year. Under Article V, Section 10 of the Constitution of the State of Iowa the responsibility for determining judicial districts and the number of judges within a judicial district is assigned to the General Assembly. I believe the Constitution has appropriately placed these responsibilities with the General Assembly which is more immediately accountable to Iowans. Section 2, shifts much of the authority vested by the Constitution with the

General Assembly to the Chief Justice by allowing the Chief Justice to delay an appointment for “budgetary reasons” with no further explanation required.

With this change, the Chief Justice could for all practical purposes determine the number of judges in each judicial district by deciding which judicial openings are filled and which are delayed. To delay judicial appointments for up to one year for “budgetary reasons” without any public accountability or additional criteria is excessively vague. Iowans expect more precise standards for determining if judicial vacancies are filled. Furthermore, allowing such discretion creates additional potential to limit Iowans access to courts and delay court proceedings. The sunset provision repealing the sections in 2013 is insufficient to alleviate my concerns about this shift in responsibilities between the branches of government.

The remaining sections of this bill advance important public policy objectives including modifying the residency restrictions for district associate judges and magistrates and modifying the requirements for senior judges. I have no objections to these sections.

I commend the Judicial Branch under the Chief Justice’s leadership for continuing to provide access to the Courts to Iowans even under challenging budgetary circumstances.

For all these reasons, I hereby disapprove and transmit to you, without my signature, Senate File 2343, in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Sincerely,  
CHESTER J. CULVER  
Governor





# AMENDMENTS FILED

## EIGHTY-THIRD GENERAL ASSEMBLY 2010 REGULAR SESSION

### S-5001

- 1 Amend Senate File 2033 as follows:
- 2 1. Page 1, line 33, after <Secondary> by
- 3 inserting <Education>

BECKY SCHMITZ

### S-5002

- 1 Amend Senate File 2033 as follows:
- 2 1. Page 1, line 13, by striking <organization> and
- 3 inserting <organizations>
- 4 2. Page 1, line 24, by striking <organization> and
- 5 inserting <organizations>

PAUL MCKINLEY

### S-5003

- 1 Amend Senate File 2033 as follows:
- 2 1. Page 1, line 3, by striking <a. >
- 3 2. By striking page 1, line 11, through page 2,
- 4 line 4.

KIM REYNOLDS

### S-5004

- 1 Amend Senate File 2033 as follows:
- 2 1. Page 1, line 2, by striking <subsection> and
- 3 inserting <subsections>
- 4 2. Page 1, after line 2 by inserting:
- 5 <NEW SUBSECTION. 59. Develop a teacher assessment
- 6 model and a model teacher review process. The teacher
- 7 assessment model shall rely primarily on student
- 8 achievement growth. The teacher review process shall
- 9 be aligned with the teacher assessment model. The
- 10 director shall develop model standards of teacher
- 11 performance that describe the following levels of
- 12 performance:
- 13 a. Superior performance.
- 14 b. Exceeds expectations.
- 15 c. Satisfactory.
- 16 d. Emerging.

- 17 e. In need of remediation.>  
 18 3. Page 14, by inserting after line 33 the  
 19 following:  
 20 <Sec. \_\_\_.Section 279.14, Code 2009, is amended  
 21 by adding the following new subsection:  
 22 NEW SUBSECTION. 3. A school board may adopt the  
 23 model teacher assessment and model teacher review  
 24 process developed pursuant to section 256.9, subsection  
 25 59. Notwithstanding this section, section 279.15, and  
 26 chapter 20, if a school board, utilizing the model  
 27 teacher review process, determines that a teacher is  
 28 in need of remediation, and the teacher participates  
 29 in remediation efforts but student achievement in the  
 30 teacher's classroom is not raised to a sufficient level  
 31 as determined by the school board, the school board may  
 32 terminate the individual's continuing teaching contract  
 33 after serving notice to the individual in accordance  
 34 with section 279.15, subsection 2.>  
 35 4. Title page, line 2 after <schools,> by  
 36 inserting <the development and adoption of a teacher  
 37 assessment model and a model teacher review process,>  
 38 5. By renumbering as necessary.

SHAWN HAMERLINCK

## S-5005

- 1 Amend Senate File 2033 as follows:  
 2 1. Page 2, by striking line 32 and  
 3 inserting <school board of directors of a charter  
 4 school, a postsecondary board, or an innovation>  
 5 2. Page 3, line 4, by striking <subsection 3, Code  
 6 2009, is> and inserting <subsections 3 and 5, Code  
 7 2009, are>  
 8 3. Page 3, after line 8 by inserting:  
 9 <5. "School board" means ~~a the~~ board of directors  
 10 ~~regularly elected by the registered voters of a~~  
 11 school district or of an area education agency, as  
 12 appropriate. >  
 13 4. Page 3, after line 23 by inserting:  
 14 <4C. "Postsecondary board" means the board of  
 15 directors of a community college or the state board of  
 16 regents, as appropriate. >  
 17 5. Page 4, line 16, by striking <receive approval>  
 18 and inserting <register>  
 19 6. Page 5, line 7, by striking <approved by> and  
 20 inserting <approved by registered with>  
 21 7. Page 5, lines 25 and 26, by striking <an  
 22 application for approval to establish the charter  
 23 school> and inserting <an application for approval to  
 24 ~~establish the charter school~~ the application>  
 25 8. Page 6, by striking lines 1 through 6 and

26 inserting <42 U.S.C. ( 1751–1785, and chapter 283A.  
 27 The state board shall approve only those applications  
 28 that meet the requirements specified in section 256F.1,  
 29 subsection 3, and sections 256F.4 and 256F.5. The  
 30 state board may deny an application if the state board  
 31 deems that approval of the application is not in the  
 32 best interest of the affected students. The state  
 33 board>

34 9. Page 6, by striking line 29 and inserting:

35 <1. Within fifteen days after approval of  
 36 registering a charter school >

37 10. Page 6, line 31, after <board> by inserting <,  
 38 postsecondary board.>

39 11. Page 7, line 19, by striking <approved> and  
 40 inserting <approved registered>

41 12. Page 8, line 21, after <10> by inserting <,  
 42 unless the charter school was registered by the  
 43 board of directors of an area education agency or a  
 44 postsecondary board>

45 13. Page 9, line 2, after <257> by inserting <,  
 46 except as provided in paragraph “c” >

47 14. Page 9, after line 5 by inserting:

48 <c. A student enrolled in a charter school  
 49 registered by an area education agency or a  
 50 postsecondary board shall not be included in the basic

Page 2

1 enrollment of the student’s district of residence,  
 2 and the area education agency or postsecondary board  
 3 shall report the enrollment of the student directly to  
 4 the department of education for state foundation aid  
 5 purposes pursuant to chapter 257. >

6 15. Page 9, by striking line 10 and inserting:

7 <An application submitted to the state board for the  
 8 approval of purposes of registering a >

9 16. Page 9, line 29, after <district> by

10 inserting <, area education agency, postsecondary  
 11 board.>

12 17. Page 10, line 26, after <board> by inserting <,  
 13 postsecondary board.>

14 18. Page 10, line 31, by striking <both> and

15 inserting <both>

16 19. Page 10, line 31, after <board> by inserting <,  
 17 postsecondary board.>

18 20. Page 11, line 6, by striking <approved> and  
 19 inserting <approved registered>

20 21. Page 11, line 17, after <board> by inserting <,  
 21 postsecondary board.>

22 22. Page 11, line 23, by striking <district> and  
 23 inserting <district board or postsecondary board>

24 23. Page 11, line 31, after <school board> by

25 inserting <or postsecondary board>  
 26 24. Page 12, line 18, after <board> by inserting <  
 27 postsecondary board.>  
 28 25. Page 12, line 22, after <board> by inserting <  
 29 a postsecondary board.>  
 30 26. Page 12, line 31, after <board> by inserting <or  
 31 postsecondary board.>  
 32 27. Page 12, line 33, after <board> by inserting <or  
 33 postsecondary board.>  
 34 28. Page 13, line 1, after <board> by inserting <  
 35 postsecondary board.>  
 36 29. Page 13, line 6, after <board> by inserting <  
 37 postsecondary board.>  
 38 30. Page 13, line 11, after <board> by inserting <  
 39 postsecondary board.>  
 40 31. Page 13, by striking line 22 and inserting:  
 41 <6. A school board or postsecondary board revoking  
 42 a contract or a school board, postsecondary board.>  
 43 32. Page 14, line 13, after <board> by inserting <  
 44 postsecondary board.>  
 45 33. Page 14, line 15, after <board> by inserting <  
 46 postsecondary board.>  
 47 34. Title page, line 1, by striking <approval> and  
 48 inserting <registration>

NANCY J. BOETTGER  
 JERRY BEHN  
 JAMES F. HAHN  
 SHAWN HAMERLINCK  
 DAVID HARTSUCH  
 TIM L. KAPUCIAN  
 STEVE KETTERING  
 PAUL McKINLEY  
 LARRY NOBLE  
 KIM REYNOLDS  
 JAMES A. SEYMOUR  
 PAT WARD  
 BRAD ZAUN

## S-5006

1 Amend Senate File 2033 as follows:  
 2 1. Page 2, after line 4 by inserting:  
 3 <c. A school district that receives school  
 4 improvement funds under Tit.I of the federal  
 5 Elementary and Secondary Education Act of 1965 shall  
 6 not supplement or supplant the school improvement funds  
 7 with property tax revenues.>

RANDY FEENSTRA

**S-5007**

- 1 Amend Senate File 2033 as follows:  
2 1. Page 2, after line 4 by inserting:  
3 <c. A school district required to implement one  
4 or more interventions pursuant to paragraph "a" shall  
5 require that assessment of student progress be included  
6 in the criteria for evaluating teachers. >

NANCY J. BOETTGER

**S-5008**

- 1 Amend Senate File 2033 as follows:  
2 1. Page 14, after line 33 by inserting:  
3 <Sec. \_\_. NEW SECTION. 256F.12 Charter school  
4 expansion.  
5 1. Notwithstanding any contrary provisions of this  
6 chapter, the purpose of a charter school established  
7 pursuant to this chapter shall be to do the following:  
8 a. Improve student learning.  
9 b. Increase learning opportunities for all  
10 students, with special emphasis on expanded learning  
11 experiences for students identified as academically  
12 low-achieving.  
13 c. Encourage different and innovative methods of  
14 teaching.  
15 d. Increase choice of learning opportunities for  
16 children.  
17 e. Create innovative measurement tools for  
18 measuring learning outcomes.  
19 f. Relieve schools of paperwork and procedures  
20 that are otherwise required by the state, except those  
21 required for purposes of safety, fiscal accountability,  
22 and documentation of student achievement.  
23 2. Notwithstanding any contrary provisions of this  
24 chapter or any other provision of law, approval of a  
25 charter school application submitted to the state board  
26 by a person shall be based on consideration of all of  
27 the following:  
28 a. The charter school's budget in detail.  
29 b. The methods by which academic achievement will  
30 be measured.  
31 c. The measures that will be used to assure that at  
32 least ninety-five percent of the students enrolled in  
33 the charter school will demonstrate a minimum of one  
34 year of academic growth for each year of instruction.  
35 d. The administration of the Iowa test of basic  
36 skills and the Iowa tests of educational development in  
37 the manner and frequency used by the majority of school  
38 districts in this state.  
39 e. The admissions procedures and dismissal

40 procedures to be employed.

41 f. The qualifications to be required of the  
42 teachers.

43 3. A charter school shall be open to all students  
44 and shall have the maximum flexibility to enroll  
45 students.

46 4. A charter school shall be free of tuition and  
47 application and other fees, except those fees regularly  
48 charged by other public schools, to Iowa resident  
49 students between the ages of five and twenty-one.

50 5. A charter school established pursuant to this

Page 2

1 chapter shall submit the following reports to the state  
2 board:

3 a. The charter school's progress toward achieving  
4 the goals outlined in the charter school proposal.

5 b. The financial records of the charter school.>

6 2. By renumbering as necessary.

PAUL MCKINLEY

## S-5009

1 Amend Senate File 2033 as follows:

2 1. Page 2, after line 4 by inserting:

3 <Sec. \_\_\_. Section 256.11, Code Supplement 2009,

4 is amended by adding the following new subsection:

5 NEW SUBSECTION. 9C. Beginning July 1, 2011, each

6 school district shall make all textbooks, pamphlets,

7 and video used for the school district's coursework

8 available, at least two months prior to use by the

9 school district, for inspection by the parents and

10 guardians of students enrolled in the school district. >

11 2. Page 14, after line 33 by inserting:

12 <Sec. \_\_\_.EFFECTIVE UPON ENACTMENT. The section

13 of this Act enacting section 256.11, subsection 9C,

14 being deemed of immediate importance, takes effect upon

15 enactment. >

16 3. Title page, line 4, after <agencies,> by

17 inserting <the inspection of certain educational

18 materials prior to their use,>

19 4. Title page, line 5, after <schools> by

20 inserting <, and including effective date provisions>

21 5. By renumbering as necessary.

DAVID HARTSUCH

**S-5010**

- 1 Amend House File 734, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, by striking line 34 and inserting  
4 <adjudged by a court to meet one of the>  
5 2. Page 15, line 10, by striking <February 15,> and  
6 inserting <July 1,>

COMMITTEE ON JUDICIARY  
KEITH A. KREIMAN, Chair

**S-5011**

- 1 Amend House File 2030, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 3, line 22, by striking <operations,>  
4 and inserting <four months of operating costs, and  
5 the district has not initiated a school district  
6 flexibility plan and notified the school budget review  
7 committee thereof,>  
8 2. Page 3, by striking lines 29 and 30 and  
9 inserting <for a budget year to a level that does  
10 not exceed twenty-five percent of the general fund  
11 expenditures for the year previous to the base year  
12 minus the unexpended fund balance for the year previous  
13 to the base year.>  
14 3. Page 3, by striking lines 32 through 34 and  
15 inserting <limit the school district's cash reserve  
16 levy to the cash reserve limitation in>  
17 4. Page 3, after line 35 by inserting:  
18 <c. For purposes of this subsection, a school  
19 district flexibility plan may include but not be  
20 limited to any of the following actions taken during  
21 any school budget year commencing during the fiscal  
22 period beginning July 1, 2009, and ending June 30,  
23 2012:  
24 (1) Notwithstanding any provision of section  
25 256.11, subsections 9, 9A, and 9B, to the contrary,  
26 school districts are not required to have a teacher  
27 librarian, guidance counselor, or school nurse. Any  
28 funds not expended due to this section may be expended  
29 for school district general fund purposes.  
30 (2) Notwithstanding any provision of section  
31 256.11, subsection 6, to the contrary, school districts  
32 may suspend expanded physical education programs and  
33 cardiopulmonary resuscitation certification courses.  
34 (3) Notwithstanding any provision of chapter 256C  
35 to the contrary, preschool foundation aid payments  
36 under chapter 256C shall be distributed to all  
37 school districts based on a school district's budget  
38 enrollment compared to the statewide total budget  
39 enrollment for the school budget year beginning July

40 1, 2009, to be used for chapter 256C purposes, if  
 41 applicable, or school district general fund purposes.  
 42 (4) Notwithstanding any provision of section  
 43 257.10, subsection 9, to the contrary, school districts  
 44 may expend teacher salary supplement funding for school  
 45 district general fund purposes.  
 46 (5) Notwithstanding any provision of section  
 47 257.10, subsection 10, to the contrary, school  
 48 districts may expend professional development  
 49 supplement funding for school district general fund  
 50 purposes.

Page 2

1 (6) Notwithstanding any provision of section  
 2 257.10, subsection 11, to the contrary, school  
 3 districts may expend early intervention supplement  
 4 funding for school district general fund purposes.  
 5 (7) Notwithstanding any provision of section  
 6 257.19, to the contrary, school districts may  
 7 additionally expend instructional support funds for  
 8 funding purposes under sections 257.41 and 257.46.  
 9 d. This subsection shall not prevent a school  
 10 district from initiating a school flexibility plan.>  
 11 5. Page 4, by striking lines 17 and 18 and  
 12 inserting:  
 13 <Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT AND  
 14 APPLICABILITY. This Act, being deemed of immediate  
 15 importance, takes effect upon enactment and applies  
 16 to the expenditure of funds by school districts on or  
 17 after that date.>  
 18 6. By renumbering as necessary.

PAUL MCKINLEY  
 MERLIN BARTZ  
 NANCY J. BOETTGER  
 SHAWN HAMERLINCK

**S-5012**

1 Amend House File 2030, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 4, by striking lines 9 through 16 and  
 4 inserting:  
 5 <Sec. \_\_\_\_ EMERGENCY RULES. The department of  
 6 education may adopt emergency rules under section  
 7 17A.4, subsection 3, and section 17A.5, subsection 2,  
 8 paragraph "b", to implement the provisions of this  
 9 Act. Any rules adopted in accordance with this section  
 10 shall not take effect before the rules are reviewed by



11 the administrative rules review committee. Any rules  
12 adopted in accordance with this section shall also be  
13 published as a notice of intended action as provided in  
14 section 17A.4.>

MERLIN BARTZ

### S-5013

- 1 Amend Senate File 2062 as follows:
- 2 1. Page 2, line 27, by striking <June 1> and
- 3 inserting <May 28>

STACI APPEL

### S-5014

- 1 Amend Senate File 2062 as follows:
- 2 1. Page 1, before line 1 by inserting:
- 3 <Section 1. NEW SECTION. 8.37 Full-time equivalent
- 4 positions - freeze.
- 5 Notwithstanding contrary provisions of the Code, the
- 6 number of full-time equivalent positions authorized
- 7 for a department for fiscal years commencing on or
- 8 after July 1, 2010, shall be limited to the number of
- 9 full-time equivalent positions that are not vacant as
- 10 of June 1, 2010 that is certified for that department
- 11 by the department of management pursuant to the
- 12 requirements of this Act.>
- 13 2. Page 4, after line 24 by inserting:
- 14 <d. The department of management shall certify the
- 15 number of full-time equivalent positions within each
- 16 department within the executive branch of the state
- 17 that are not vacant as of June 1, 2010. In making its
- 18 determination, the department shall exclude full-time
- 19 equivalent positions for employees who terminate
- 20 employment as a result of this Act.>
- 21 3. By renumbering as necessary.

DAVID HARTSUCH  
JERRY BEHN  
NANCY J. BOETTGER  
RANDY FEENSTRA  
JAMES F. HAHN  
HUBERT HOUSER  
DAVID JOHNSON  
TIM L. KAPUCIAN  
STEVE KETTERING  
PAUL MCKINLEY  
LARRY NOBLE  
KIM REYNOLDS  
BRAD ZAUN

**S-5015**

- 1 Amend Senate File 2062 as follows:  
2 1. Page 1, line 24, after <coverage.> by inserting  
3 <The department shall determine the applicable amount  
4 representing the monthly contribution costs under this  
5 paragraph by July 1, 2010, and such amount shall not be  
6 increased for the duration of the program.>

RANDY FEENSTRA

**S-5016**

- 1 Amend Senate File 2117 as follows:  
2 1. Page 1, before line 1 by inserting:  
3 <Section 1. Section 147.108, subsection 2, Code  
4 2009, is amended to read as follows:  
5 2. After contact lenses have been adequately  
6 adapted and the patient released from initial follow-up  
7 care by a person licensed under chapter 148 or 154,  
8 the patient may request a copy, at no cost, of the  
9 contact lens prescription from that licensed person.  
10 A person licensed under chapter 148 or 154 shall  
11 not withhold a contact lens prescription after the  
12 requirements of this section have been met. The  
13 prescription, at the option of the prescriber, may  
14 be given orally only to a person who is actively  
15 practicing and licensed under chapter 148, 154, or  
16 155A. The contact lens prescription shall contain an  
17 expiration date, at the discretion of the prescriber,  
18 but not to exceed eighteen months. The contact lens  
19 prescription shall contain the necessary requirements  
20 of the ophthalmic lens, and the prescription validation  
21 requirements as defined by rules adopted pursuant to  
22 this section. The prescription may contain adapting  
23 and material guidelines and may also contain specific  
24 instructions for use by the patient. For the purpose  
25 of this section, "ophthalmic lens" means one which  
26 has been fabricated to fill the requirements of a  
27 particular contact lens prescription, including  
28 pharmaceutical-delivering contact lenses as defined in  
29 section 154.1, subsection 4.>  
30 2. Page 1, line 15, by striking  
31 <pharmaceuticl-delivering> and inserting  
32 <pharmaceutical-delivering>  
33 3. By renumbering as necessary.

AMANDA RAGAN

**S-5017**

1 Amend Senate File 2088 as follows:  
 2 1. Page 2, by striking lines 3 through 5.  
 3 2. Page 5, after line 9 by inserting:  
 4 <Sec. \_\_\_\_ Section 8A.203, subsection 1, Code 2009,  
 5 is amended to read as follows:  
 6 1. ~~Prescribe and adopt~~ Advise the director  
 7 concerning the adoption of information technology  
 8 standards and rules.>  
 9 3. Page 34, line 3, by striking <quarterly>  
 10 4. Page 34, line 4, after <agency> by inserting <on  
 11 January 15 and July 15 of each year>  
 12 5. Page 34, line 6, after <section> by inserting  
 13 <for the previous six calendar months>  
 14 6. Page 83, after line 9 by inserting:  
 15 <8A. Budget database. To develop and make  
 16 available to the public a searchable budget database.>  
 17 7. Page 109, by striking line 8 and inserting:  
 18 <..... \$ 175,000>  
 19 8. Page 109, by striking line 10 and inserting:  
 20 <Of the moneys appropriated in this section, \$50,000  
 21 shall be used by>  
 22 9. Page 113, after line 3 by inserting:  
 23 <Sec. \_\_\_\_ REPEAL. Chapter 175A, Code 2009, is  
 24 repealed.  
 25 Sec. \_\_\_\_ GRAPE AND WINE DEVELOPMENT FUND. This  
 26 division of this Act does not affect the expenditure  
 27 of moneys by the department of agriculture and land  
 28 stewardship to satisfy any obligations or encumbrances  
 29 of moneys in the grape and wine development fund  
 30 created in section 175A.5, if the obligations or  
 31 encumbrances were incurred prior to the effective date  
 32 of this division of this Act. Moneys credited to the  
 33 grape and wine development fund that are unobligated  
 34 or unencumbered at the close of the fiscal year  
 35 ending June 30, 2010, shall be transferred to the wine  
 36 gallonage tax fund created in section 123.183 in the  
 37 same manner as a reversion.>  
 38 10. By striking page 113, line 27, through page  
 39 114, line 12, and inserting:  
 40 <Sec. \_\_\_\_ Section 455B.104, Code Supplement 2009,  
 41 is amended by adding the following new subsections:  
 42 NEW SUBSECTION. 3. The department may periodically  
 43 forward recommendations to the commission designed to  
 44 encourage the reduction of statewide greenhouse gas  
 45 emissions.  
 46 NEW SUBSECTION. 4. By September 1 of each year,  
 47 the department shall submit a report to the governor  
 48 and the general assembly regarding the greenhouse gas  
 49 emissions in the state during the previous calendar  
 50 year and forecasting trends in such emissions. The

Page 2

1 first submission by the department shall be filed by  
2 September 1, 2011, for the calendar year beginning  
3 January 1, 2010.

4 Sec. \_\_\_\_ Section 455B.851, Code 2009, is amended  
5 by adding the following new subsection:  
6 NEW SUBSECTION. 10. This section is repealed July  
7 1, 2011.

8 Sec. \_\_\_\_ Section 473.7, subsection 12, paragraph  
9 b, Code Supplement 2009, is amended by striking the  
10 paragraph.>

11 11. By striking page 114, line 29, through page  
12 115, line 23, and inserting:

13 <Sec. \_\_\_\_ Section 15G.203, subsection 2, Code  
14 Supplement 2009, is amended to read as follows:

15 2. A person may apply to the department to receive  
16 financial incentives on a cost-share basis. The  
17 department shall ~~forward the applications to the~~  
18 ~~underground storage tank fund board as required~~  
19 ~~by that board for evaluation and recommendation.~~  
20 ~~The underground storage tank fund board may~~  
21 ~~rank evaluate~~ the applications ~~with comments and~~  
22 ~~shall make recommendations, and~~ forward them to the  
23 infrastructure board for approval or disapproval.  
24 The department shall award financial incentives  
25 on a cost-share basis to an eligible person whose  
26 application was approved by the infrastructure board.

27 Sec. \_\_\_\_ Section 15G.204, subsection 1, Code 2009,  
28 is amended to read as follows:

29 1. A person may apply to the department to receive  
30 financial incentives on a cost-share basis. The  
31 department shall ~~forward the applications to the~~  
32 ~~underground storage tank fund board as required~~  
33 ~~by that board for evaluation and recommendation.~~  
34 ~~The underground storage tank fund board may~~  
35 ~~rank evaluate~~ the applications ~~with comments and~~  
36 ~~shall make recommendations, and~~ forward them to the  
37 infrastructure board for approval or disapproval.  
38 The department shall award financial incentives  
39 on a cost-share basis to an eligible person whose  
40 application was approved by the infrastructure board.>

41 12. Page 122, after line 9 by inserting:

42 <Sec. \_\_\_\_ Section 455B.479, Code 2009, is amended  
43 to read as follows:

44 455B.479 Storage tank management fee.

45 An owner or operator of an underground storage  
46 tank shall pay an annual storage tank management fee  
47 of sixty-five dollars per tank of over one thousand  
48 one hundred gallons capacity. ~~Twenty-three percent~~  
49 ~~of the~~ The fees collected shall be deposited in the  
50 storage tank management account of the groundwater

Page 3

1 protection fund. ~~Seventy seven percent of the fees~~  
2 ~~collected shall be deposited in the Iowa comprehensive~~  
3 ~~petroleum underground storage tank fund created in~~  
4 ~~chapter 455G.~~

5 Sec. \_\_\_\_ Section 455E.11, subsection 2, paragraph  
6 d, Code 2009, is amended to read as follows:

7 d. A storage tank management account. All fees  
8 collected pursuant to section 455B.473, subsection 5,  
9 and section 455B.479, shall be deposited in the storage  
10 tank management account, ~~except those moneys deposited~~  
11 ~~into the Iowa comprehensive petroleum underground~~  
12 ~~storage tank fund pursuant to section 455B.479. Funds,~~  
13 Moneys deposited in the account shall be expended for  
14 the following purposes:

15 (1) One thousand dollars is appropriated annually  
16 to the Iowa department of public health to carry out  
17 departmental duties under section 135.11, subsections  
18 20 and 21, and section 139A.21.

19 (2) ~~Twenty three percent of the proceeds of the~~  
20 ~~fees imposed pursuant to section 455B.473, subsection~~  
21 ~~5, and section 455B.479 shall be deposited in the~~  
22 ~~account annually, up to a maximum of three hundred~~  
23 ~~fifty thousand dollars. If twenty three percent of the~~  
24 ~~proceeds exceeds three hundred fifty thousand dollars,~~  
25 ~~the excess shall be deposited into the fund created in~~  
26 ~~section 455G.3. Three hundred fifty thousand dollars~~  
27 ~~is~~ The moneys remaining in the account after the  
28 appropriation in subparagraph (1) are appropriated from  
29 the storage tank management account to the department  
30 of natural resources for the administration of a state  
31 storage tank program pursuant to chapter 455B, division  
32 IV, part 8, and for programs which reduce the potential  
33 for harm to the environment and the public health from  
34 storage tanks.

35 (3) ~~The remaining funds in the account are~~  
36 ~~appropriated annually to the Iowa comprehensive~~  
37 ~~petroleum underground storage tank fund.>~~

38 13. Page 136, after line 20 by inserting:  
39 <Sec. \_\_\_\_ Section 455G.8, subsection 3, Code 2009,  
40 is amended by striking the subsection.>

41 14. Page 152, line 13, by striking <and>

42 15. Page 152, line 13, after <purposes> by  
43 inserting <, and for not more than the following  
44 full-time equivalent positions>

45 16. Page 152, after line 14 by inserting:  
46 <..... FTEs 8.00>

47 17. By striking page 156, line 7, through page 157,  
48 line 28.

49 18. Page 157, after line 33 by inserting:  
50 <Sec. \_\_\_\_ Section 273.2, Code Supplement 2009, is

Page 4

- 1 amended by adding the following new subsections:  
2 NEW SUBSECTION. 8. The area education agency board  
3 shall collaborate with the department of education to  
4 provide a statewide infrastructure for educational  
5 data to create cost efficiencies, provide storage and  
6 disaster mitigation, and improve interconnectivity  
7 between schools and school districts. In addition,  
8 the area education agency boards shall work with  
9 the department to provide systemwide coordination  
10 in the implementation of the statewide longitudinal  
11 data system consistent with the federal American  
12 Recovery and Reinvestment Act of 2009. The area  
13 education agencies shall provide support to school  
14 districts' information technology infrastructure that  
15 is consistent with the statewide infrastructure for the  
16 educational data collaborative.
- 17 NEW SUBSECTION. 9. The area education agency  
18 boards shall jointly develop a three-year statewide  
19 strategic plan that supports goals adopted by the  
20 state board of education pursuant to section 256.7,  
21 subsection 4, and the accreditation standards  
22 established pursuant to section 256.11; establish  
23 performance goals; and clearly identify the statewide  
24 efforts to improve student learning and create  
25 efficiencies in management operations for area  
26 education agencies and school districts. The statewide  
27 strategic plan shall be approved by the state board  
28 of education. The area education agency boards shall  
29 jointly provide the state board with annual updates on  
30 the performance measures.>
- 31 19. Page 158, line 2, by striking <not less than>  
32 and inserting <~~not less than~~>
- 33 20. Page 158, line 3, by striking <nine> and  
34 inserting <~~nine~~ eleven>
- 35 21. Page 158, line 6, after <agency.> by inserting  
36 <An area education agency shall consist of five  
37 director districts.>
- 38 22. Page 159, line 3, by striking <The> and  
39 inserting <~~The~~ A>
- 40 23. Page 159, line 6, by striking <The board of>  
41 24. Page 159, by striking lines 7 and 8 and  
42 inserting:  
43 <(1) The school district boards of each director  
44 district shall jointly elect two members to the  
45 eleven-member board of directors of the area education  
46 agency. One of the two members elected in each  
47 director district shall meet one of the following  
48 criteria, on a rotating basis with all of the other  
49 director districts, as coordinated by the department:>  
50 25. Page 159, line 9, by striking <(1)> and

Page 5

- 1 inserting <(a)>  
2 26. Page 159, line 10, by striking <(2)> and  
3 inserting <(b)>  
4 27. Page 159, line 11, by striking <(3)> and  
5 inserting <(c)>  
6 28. Page 159, line 13, by striking <(4)> and  
7 inserting <(d)>  
8 29. Page 159, by striking line 14.  
9 30. Page 159, line 15, by striking <(6)> and  
10 inserting <(e)>  
11 31. Page 159, after line 18 by inserting:  
12 <(2) The eleventh member of the board of directors  
13 of the area education agency shall be elected by the  
14 authorities in charge of the accredited nonpublic  
15 schools located within the boundaries of the area  
16 education agency.  
17 (3) Notwithstanding paragraph "b", the initial  
18 terms of the directors shall be determined by lot, one  
19 for two years, and two for four years.>  
20 32. Page 159, line 25, after <"c."> by inserting  
21 <subparagraph (1), subparagraph subdivisions (a)  
22 through (e).>  
23 33. Page 160, after line 14 by inserting:  
24 <Sec. \_\_\_\_ Section 273.8, subsection 6, Code  
25 Supplement 2009, is amended by striking the  
26 subsection.>  
27 34. Page 160, after line 32 by inserting:  
28 <Sec. \_\_\_\_ Section 273.11, subsection 2, Code 2009,  
29 is amended by adding the following new paragraph:  
30 NEW PARAGRAPH. j. Support for early childhood  
31 service coordination for families and children to meet  
32 health, safety, and learning needs.>  
33 35. Page 161, line 2, by striking <not less  
34 than nine> and inserting <nine eleven>  
35 36. By striking page 161, line 29, through page  
36 162, line 2, and inserting:  
37 <Sec. \_\_\_\_ EFFECTIVE AND APPLICABILITY DATE  
38 PROVISIONS. The sections of this division of this Act  
39 amending sections 273.8, 273.10, and 273.23 take effect  
40 January 1, 2011, and apply to elections for the boards  
41 of directors of area education agency boards in which  
42 the boundaries for the director districts are drawn  
43 using official population figures from the 2010 federal  
44 decennial census.>  
45 37. Page 186, before line 15 by inserting:  
46 <DIVISION \_\_\_\_  
47 REGISTRATION OF POSTSECONDARY SCHOOLS  
48 Sec. \_\_\_\_ Section 261.2, subsection 7, paragraph b,  
49 Code Supplement 2009, is amended to read as follows:  
50 b. The commission ~~may require a school seeking~~

1 ~~registration under chapter 261B to provide copies~~  
 2 ~~of its application to the Iowa coordinating council~~  
 3 ~~for post high school education. The commission may~~  
 4 ~~consider comments from the council that are received~~  
 5 ~~by the commission within ninety days of the filing of~~  
 6 ~~the application. However, if the council meets to~~  
 7 ~~consider comments for submission to the commission,~~  
 8 ~~the meeting shall be open to the public and subject to~~  
 9 ~~the provisions of chapter 21. The commission shall~~  
 10 ~~post an application on the commission's internet site~~  
 11 and shall render a decision on an application for  
 12 registration within one hundred eighty days of the  
 13 filing of the application.

14 Sec. \_\_\_\_ REPEAL. Section 261B.10, Code Supplement  
 15 2009, is repealed.>

16 38. Page 198, after line 12 by inserting:

17 <Sec. \_\_\_\_ DEPARTMENT OF JUSTICE — FALSE CLAIMS ACT  
 18 ENFORCEMENT. There is appropriated from the general

19 fund of the state to the department of justice for the  
 20 fiscal year beginning July 1, 2010, and ending June 30,  
 21 2011, the following amount, or so much thereof as is  
 22 necessary, to be used for the purposes designated:

23 For the general office of the attorney general,  
 24 including salaries, support, maintenance, miscellaneous  
 25 purposes, and for not more than the following full-time  
 26 equivalent positions:

27 .....	\$	60,000
28 .....	FTEs	1.00

29 The moneys appropriated in this section shall  
 30 be utilized by the department to perform the duties  
 31 required of the department under chapter 685, the false  
 32 claims act, as enacted by this division of this Act.>

33 39. Page 236, lines 1 and 2, by striking <, 135N.1,  
 34 135N.2, 135N.3, 135N.4, 135N.5, 135N.6,>

35 40. Page 241, by striking lines 5 through 18 and  
 36 inserting:

37 <Sec. \_\_\_\_ Section 80.13, Code 2009, is amended to  
 38 read as follows:

39 80.13 Training schools.

40 The commissioner may hold a training school for  
 41 peace officer candidates or for peace officers of the  
 42 department, and may send to recognized training schools  
 43 peace officers of the department as the commissioner  
 44 may deem advisable. ~~The expenses candidate shall pay~~  
 45 one-third of the costs of such school of training, and  
 46 the remaining costs shall be paid ~~in the same manner as~~  
 47 ~~other expenses paid~~ by the department.

48 Sec. \_\_\_\_ Section 80B.11B, subsection 2, Code 2009,  
 49 is amended by striking the subsection and inserting in  
 50 lieu thereof the following:



Page 7

1 2. The Iowa law enforcement academy shall charge  
2 to the following entities with the following costs to  
3 provide the basic training course which is designed to  
4 meet the minimum basic training requirements for a law  
5 enforcement officer:

6 a. To the department of natural resources and the  
7 department of transportation, the total cost.

8 b. To a candidate from any other state agency or  
9 department of the state, one-third of the total cost,  
10 and to the agency or department the remaining cost.

11 c. For a candidate sponsored by a political  
12 subdivision, to the political subdivision, one-third  
13 of the total cost; to the candidate, one-third of the  
14 total cost; and to the state, the remainder of the  
15 total cost. The political subdivision may pay for all  
16 or a portion of the candidate's share of the costs.

17 d. For all other candidates, including a candidate  
18 from a tribal government, to the candidate the total  
19 costs.>

20 41. Page 243, after line 29 by inserting:

21 <DIVISION \_\_\_\_

22 PROPERTY ASSESSMENT APPEAL  
23 BOARD REPEAL

24 Sec. \_\_\_\_ Section 257.12, subsection 1, Code 2009,  
25 is amended to read as follows:

26 1. If a school district is required to repay  
27 property taxes paid for school taxes levied on property  
28 originally assessed at five million dollars or more  
29 because the assessment was subsequently reduced by  
30 ~~the action of the property assessment appeal board~~  
31 ~~or~~ judicial action and the amount of the reduction in  
32 the assessment equals at least one hundred thousand  
33 dollars or two percent of the assessed value of  
34 all taxable property in the district prior to the  
35 reduction, whichever is less, the school district is  
36 eligible for an adjustment in state foundation aid.  
37 To receive the adjustment in state foundation aid,  
38 the school district shall apply to the department of  
39 management prior to the beginning of the budget year  
40 following the budget year in which the repayment of the  
41 property taxes occurred. The department of management  
42 shall determine the amount of adjustment in state  
43 foundation aid pursuant to subsection 2.

44 Sec. \_\_\_\_ Section 441.38, Code 2009, is amended to  
45 read as follows:

46 441.38 Appeal to district court.

47 1. Appeals may be taken from the action of the  
48 local board of review with reference to protests  
49 of assessment, to the district court of the county  
50 in which the board holds its sessions within twenty

Page 8

1 days after its adjournment or May 31, whichever date  
2 is later. ~~Appeals may be taken from the action of  
3 the property assessment appeal board to the district  
4 court of the county where the property which is the  
5 subject of the appeal is located within twenty days  
6 after the letter of disposition of the appeal by the  
7 property assessment appeal board is postmarked to the  
8 appellant.~~ No new grounds in addition to those set out  
9 in the protest to the local board of review as provided  
10 in section 441.37, ~~or in addition to those set out in  
11 the appeal to the property assessment appeal board, if  
12 applicable,~~ can be pleaded. Additional evidence to  
13 sustain those grounds may be introduced in an appeal  
14 from the local board of review to the district court.  
15 ~~However, no new evidence to sustain those grounds may  
16 be introduced in an appeal from the property assessment  
17 appeal board to the district court.~~ The assessor shall  
18 have the same right to appeal and in the same manner as  
19 an individual taxpayer, public body, or other public  
20 officer as provided in section 441.42. Appeals shall  
21 be taken by filing a written notice of appeal with the  
22 clerk of district court. Filing of the written notice  
23 of appeal shall preserve all rights of appeal of the  
24 appellant.

25 2. If the appeal to district court is taken from  
26 the action of the local board of review, notice of  
27 appeal shall be served as an original notice on the  
28 chairperson, presiding officer, or clerk of the board  
29 of review after the filing of notice under subsection  
30 1 with the clerk of district court. ~~If the appeal to  
31 district court is taken from the action of the property  
32 assessment appeal board, notice of appeal shall be  
33 served as an original notice on the secretary of the  
34 property assessment appeal board after the filing of  
35 notice under subsection 1 with the clerk of district  
36 court.~~

37 Sec. \_\_\_\_. Section 441.38A, Code 2009, is amended to  
38 read as follows:

39 441.38A Notice to school district.

40 In addition to any other requirement for providing  
41 of notice, if a property owner or aggrieved taxpayer  
42 files a protest against the assessment of property  
43 valued at five million dollars or more or files an  
44 appeal to the ~~property assessment appeal board or~~  
45 ~~the~~ district court with regard to such property, the  
46 assessor shall provide notice to the school district in  
47 which such property is located within ten days of the  
48 filing of the protest or the appeal, as applicable.

49 Sec. \_\_\_\_. 2005 Iowa Acts, chapter 150, section 134,  
50 is amended to read as follows:

Page 9

- 1 SEC. 134. FUTURE REPEAL.  
2 1. The sections of this division of this Act  
3 amending sections 7E.6, 13.7, 428.4, 441.19, 441.35,  
4 ~~441.38~~, 441.39, 441.43, 441.49, and 445.60, and  
5 enacting ~~sections 421.1A and section~~ 441.37A, are  
6 repealed effective July 1, ~~2013~~ 2010.  
7 2. The portion of the section of this division of  
8 this Act amending section 441.28 relating only to the  
9 property assessment appeal board is repealed effective  
10 July 1, ~~2013~~ 2010.  
11 Sec. \_\_\_\_ REPEAL. Sections 421.1A and 441.38B,  
12 Code 2009, are repealed.>  
13 42. By renumbering as necessary.

MICHAEL E. GRONSTAL

### S-5018

- 1 Amend Senate File 2088 as follows:  
2 1. Page 239, line 26, by striking <the Luster>  
3 2. Page 239, by striking line 27.  
4 3. Page 239, line 28, by striking <state  
5 penitentiary, and>

MARY JO WILHELM

### S-5019

- 1 Amend House File 758, as passed by the House, as  
2 follows:  
3 1. Page 1, after line 35 by inserting:  
4 <Sec. \_\_\_\_ EFFECTIVE DATE. This Act takes effect  
5 July 1, 2011.>  
6 2. Title page, line 2, by striking <person> and  
7 inserting <person, and including effective date  
8 provisions>  
9 3. By renumbering as necessary.

TOM RIELLY

### S-5020

- 1 Amend the amendment, S-5017, to Senate File 2088 as  
2 follows:  
3 1. Page 3, line 6, after <Code> by inserting  
4 <Supplement>  
5 2. Page 3, line 18, by striking <20 and 21> and  
6 inserting <19 and 20>

- 7 3. Page 9, after line 12 by inserting:  
 8 <\_\_. Title page, line 2, by striking  
 9 <establishing fees,>>  
 10 4. By renumbering as necessary.

STACI APPEL

**S-5021**

- 1 Amend Senate File 2088 as follows:  
 2 1. Page 1, by striking lines 9 through 16.  
 3 2. Page 2, line 23, after <state agency> by  
 4 inserting <, except the state board of regents and  
 5 institutions operated under the authority of the state  
 6 board of regents>  
 7 3. Page 36, by striking lines 21 through 29 and  
 8 inserting:  
 9 <~~(d)-(h)~~ The policy developed pursuant to this  
 10 paragraph "g" shall not encompass employees under  
 11 the state board of regents, ~~the department of human~~  
 12 ~~services, or a judicial district department of~~  
 13 ~~correctional services. However, the department of~~  
 14 ~~administrative services shall work with the state board~~  
 15 ~~of regents, the department of human services, and the~~  
 16 ~~judicial district departments of correctional services~~  
 17 ~~to advance the policy as a goal for the supervisory~~  
 18 ~~staff of these units of state government.>~~  
 19 4. Page 37, after line 7 by inserting:  
 20 <Sec. \_\_. NEW SECTION. 262.9C Span of control  
 21 policy.  
 22 1. The state board of regents shall develop and  
 23 maintain a policy regarding the aggregate ratio of the  
 24 number of employees per supervisory employee at each of  
 25 the institutions under the control of the board subject  
 26 to the requirements of this section.  
 27 2. The target span of control aggregate ratio of  
 28 supervisory employees to other employees shall be one  
 29 to fifteen. The target span of control ratio shall  
 30 not apply to employees involved with direct patient  
 31 care, faculty, and employees in other areas of the  
 32 institutions that must maintain different span of  
 33 control ratios due to federal or state regulations.  
 34 3. For the purposes of this section, "supervisory  
 35 employee" means a public employee who is not a member  
 36 of a collective bargaining unit and who has authority,  
 37 in the interest of a public employer, to hire,  
 38 transfer, suspend, lay off, recall, promote, discharge,  
 39 assign, reward, or discipline other public employees,  
 40 to direct such public employees, or to adjust the  
 41 grievances of such public employees, or to effectively  
 42 recommend any such action.  
 43 4. The policy shall allow departments within an

44 institution under the control of the state board of  
45 regents with twenty-eight or fewer full-time equivalent  
46 employee positions to be granted an exception to the  
47 policy by the board. Departments applying for an  
48 exception shall file a statement of need with the  
49 applicable institutional human resources office and the  
50 office shall make a recommendation to the state board

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1 of regents.

2 5. The state board of regents shall present an  
3 interim report to the governor and general assembly on  
4 or before April 1, 2010, with annual updates detailing  
5 the effects of the policy on the composition of the  
6 workforce, cost savings, efficiencies, and outcomes.  
7 In addition, the report and annual updates shall  
8 identify those departments within each institution  
9 under the control of the board granted an exception by  
10 the board to the policy as provided in this section.>

11 5. Page 37, after line 10 by inserting:

12 <DIVISION \_\_\_\_

13 BOARD OF REGENTS — COOPERATIVE  
14 PURCHASING

15 Sec. \_\_\_\_ NEW SECTION. 262.9B Cooperative  
16 purchasing.

17 1. Overview. The state board of regents for  
18 institutions under its control shall coordinate  
19 interagency cooperation with state agencies, as  
20 defined in section 8A.101, in the area of purchasing  
21 and information technology with the goal of annually  
22 increasing the amount of joint purchasing. The  
23 board and the institutions under the control of the  
24 board shall engage the department of administrative  
25 services and other state agencies in pursuing mutually  
26 beneficial activities relating to purchasing items and  
27 acquiring information technology. The board and the  
28 institutions shall explore ways to leverage resources,  
29 identify cost savings, implement efficiencies,  
30 and improve effectiveness without compromising the  
31 mission of the board and the institutions under the  
32 control of the board relative to students and research  
33 commitments.

34 2. Purchasing.

35 a. The board shall direct the institutions under  
36 its control to cooperate with the department of  
37 administrative services and other state agencies in  
38 efforts to collaboratively purchase goods and services  
39 that result in mutual cost savings and efficiency  
40 improvements.

41 b. The board and the institutions under its control  
42 shall assist the department of administrative services

43 by doing the following:

- 44 (1) Identifying best practices that produce cost  
45 savings and improve state government processes.  
46 (2) Exploring joint purchases of general use items  
47 that result in mutual procurement of quality goods and  
48 services at the lowest reasonable cost.  
49 (3) Exploring flexibility, administrative relief,  
50 and transformational changes through procurement

Page 3

- 1 technology.  
2 c. The board shall convene at least quarterly  
3 an interagency purchasing group meeting including  
4 the institutions under its control, the department  
5 of administrative services, the department of  
6 transportation, and any other state agency, for the  
7 purposes of timely cooperation in purchasing goods  
8 and services and for the identification of practical  
9 measures that improve state agency performance of  
10 programs and operations, reduce total costs of state  
11 government operations, increase productivity, improve  
12 services and make state government more responsive and  
13 accountable to the public.  
14 3. Information technology.  
15 a. The board shall direct institutions under  
16 its control to cooperate with the chief information  
17 officer of the state in efforts to cooperatively obtain  
18 information technology and related services that result  
19 in mutual cost savings and efficiency improvements.  
20 b. The board shall convene at least quarterly  
21 an interagency information technology group meeting  
22 including the institutions under its control, the state  
23 chief information officer and any other agency, for  
24 purposes of timely cooperation in obtaining information  
25 technology and related services.  
26 4. Cooperative purchasing plan. The board shall,  
27 before July 1, of each year, prepare a plan that  
28 identifies specific areas of cooperation between the  
29 institutions under its control, the department of  
30 administrative services, and the chief information  
31 officer of the state, that will be addressed for the  
32 next fiscal year including timelines for implementing,  
33 analyzing, and evaluating each of the areas of  
34 cooperation. The plan shall also identify the  
35 potential for greater interinstitutional cooperation in  
36 areas that would result in a net cost savings.  
37 5. Report. The board shall, on or before November  
38 1, submit a report to the general assembly and the  
39 governor providing information on the cooperative  
40 purchasing plan prepared for that fiscal year by the  
41 board and on the results of the quarterly interagency

42 meetings, including the specific cost savings or  
43 efficiency gains that have resulted from utilization  
44 of cooperative efforts and the implementation of  
45 identified best practices.>  
46 6. Page 37, by striking lines 18 through 21 and  
47 inserting <through the department, except items used  
48 by the state ~~department of transportation, board of~~  
49 regents and institutions under the control of the  
50 state board of regents, ~~However, the department~~

Page 4

1 ~~may authorize the department of transportation, the~~  
2 ~~department for the blind, and any other>~~  
3 7. Page 39, by striking lines 7 through 17 and  
4 inserting:  
5 <The director may purchase items through ~~the~~  
6 ~~state department of transportation, institutions~~  
7 ~~under the control of the state board of regents,~~  
8 ~~and any other agency specifically~~ exempted by law from  
9 centralized purchasing as well as from other interstate  
10 and intergovernmental entities. These state agencies  
11 ~~shall upon request furnish the director with a list of~~  
12 ~~and specifications for all items of office equipment,~~  
13 ~~furniture, fixtures, motor vehicles, heavy equipment,~~  
14 ~~and other related items to be purchased during the next~~  
15 ~~quarter and the date by which the director must file~~  
16 ~~with the agency the quantity of items to be purchased~~  
17 ~~by the state agency for the department. The department~~  
18 shall collaborate and cooperate with the state board  
19 of regents and institutions under the control of the  
20 state board of regents, as provided in section 262.9B,  
21 and any other state agency exempt from centralized  
22 purchasing to explore joint purchases of general use  
23 items that present opportunities to obtain quality  
24 goods and services at the lowest reasonable cost.>  
25 8. Page 41, line 30, by striking <state board of  
26 regents and>  
27 9. Page 42, line 9, by striking <and the state  
28 board of regents>  
29 10. Page 42, after line 17 by inserting:  
30 <Sec. \_\_. STATE BOARD OF REGENTS — REAL ESTATE  
31 AUDIT. The state board of regents shall complete an  
32 inventory of real estate property owned or leased by  
33 the state board of regents and institutions under  
34 the control of the state board of regents, including  
35 information regarding the current and intended use  
36 of the property. The board shall submit a report to  
37 the general assembly and governor by January 1, 2011,  
38 detailing the real estate property owned or leased by  
39 the state board of regents and institutions under the  
40 control of the state board of regents.>

- 41 11. Page 81, line 13, after <state agencies.> by  
 42 inserting <However, the state board of regents and  
 43 institutions under the control of the state board  
 44 of regents shall not be required to utilize the  
 45 centralized payroll system.>  
 46 12. Page 108, line 5, by striking <and the state  
 47 board of regents>  
 48 13. By renumbering as necessary.

JEFF DANIELSON  
 HERMAN C. QUIRMBACH  
 ROBERT E. DVORSKY  
 WILLIAM A. DOTZLER, JR.  
 RICH OLIVE  
 JOE BOLKCOM

### S-5022

- 1 Amend Senate File 2088 as follows:  
 4 1. Page 161, by striking lines 15 and 16 and  
 5 inserting:  
 6 <Sec. \_\_\_. REPEAL. Chapter 280A, Code and Code  
 7 Supplement 2009, is repealed.>  
 8 2. By renumbering as necessary.

JOHN P. KIBBIE

### S-5023

- 1 Amend Senate File 2088 as follows:  
 2 1. Page 162, line 15, by striking <health and  
 3 education> and inserting <education, health, and human  
 4 services>  
 5 2. Page 162, by striking lines 24 and 25 and  
 6 inserting:  
 7 <6. "Early childhood Iowa state council" or "state  
 8 council" means the early childhood Iowa state council  
 9 created in section 256I.3.  
 10 7. "State board" means the state board of education  
 11 established in section 256.3.>  
 12 3. Page 162, line 28, after <1.> by inserting  
 13 <The early childhood Iowa initiative is intended to  
 14 implement a comprehensive system providing statewide  
 15 early care services and other support for young  
 16 children from zero through age five.>  
 17 4. Page 162, line 29, after <community> by  
 18 inserting <and school district>  
 19 5. Page 163, lines 10 and 11, by striking <early  
 20 childhood Iowa state board, area boards,> and inserting  
 21 <the state board and the department, in collaboration  
 22 with area boards,>  
 23 6. Page 163, after line 19 by inserting:



24 <4. The state board shall adopt rules in accordance  
 25 with chapter 17A as necessary to implement this  
 26 chapter.>  
 27 7. Page 163, line 21, by striking <board> and  
 28 inserting <council>  
 29 8. Page 163, by striking lines 22 through 29 and  
 30 inserting:  
 31 <1. The early childhood Iowa state council is  
 32 created to promote the provision of early care,  
 33 education, health, and human services to families with  
 34 children from zero through age five. The state council  
 35 shall serve as an advisory body to the state board and  
 36 the department.>  
 37 9. Page 163, line 30, by striking <board> and  
 38 inserting <state council>  
 39 10. Page 164, line 8, after <boards> by inserting  
 40 <, school boards, or area education agencies>  
 41 11. Page 164, line 9, by striking <board> and  
 42 inserting <state council>  
 43 12. Page 164, line 16, by striking <board> and  
 44 inserting <council>  
 45 13. Page 164, line 28, by striking <board's> and  
 46 inserting <council's>  
 47 14. Page 164, line 28, by striking <board> and  
 48 inserting <council>  
 49 15. Page 164, line 30, by striking <board. The  
 50 board> and inserting <state council. The state

Page 2

1 council>  
 2 16. Page 164, line 31, by striking <board, upon the  
 3 call of the board's> and inserting <state council, upon  
 4 the call of the state council's>  
 5 17. Page 164, line 32, by striking <board> and  
 6 inserting <council>  
 7 18. Page 164, after line 33 by inserting:  
 8 <6. Staffing for the state council shall be  
 9 provided by the department.>  
 10 19. Page 164, line 35, by striking <board> and  
 11 inserting <council, department, and state board of  
 12 education>  
 13 20. Page 165, line 1, by striking <board> and  
 14 inserting <council>  
 15 21. Page 165, line 2, by striking <Provide> and  
 16 inserting <Assist the department in providing>  
 17 22. Page 165, line 3, by striking <Manage and  
 18 coordinate> and inserting <Assist the department in  
 19 managing and coordinating>  
 20 23. Page 165, by striking lines 7 through 9 and  
 21 inserting:  
 22 <3. Provide recommendations for use by the state

23 board in approving the boundaries for the early  
 24 childhood Iowa areas throughout the state and any  
 25 proposed changes to the boundaries.>  
 26 24. Page 165, by striking lines 10 and 11 and  
 27 inserting:  
 28 <4. Assist the state board and department in  
 29 developing a strategic plan for a comprehensive system  
 30 of early childhood services and other support.>  
 31 25. Page 165, line 23, after <boards,> by inserting  
 32 <school districts,>  
 33 26. Page 165, lines 25 and 26, by striking <early  
 34 care, education, health, and human services> and  
 35 inserting <early childhood services and other support>  
 36 27. Page 165, line 33, after <boards> by inserting  
 37 <and early childhood stakeholders>  
 38 28. Page 165, line 34, by striking <Adopt> and  
 39 inserting <Provide input for use by the state board in  
 40 adopting>  
 41 29. Page 166, lines 1 and 2, by striking <included  
 42 in the state board's annual report.> and inserting  
 43 <incorporated in the annual reporting required of the  
 44 state board and the department.>  
 45 30. Page 166, by striking lines 3 through 5 and  
 46 inserting:  
 47 <6. Provide input for use by the department and  
 48 by the state board in adopting a levels of excellence  
 49 rating system. The rating system shall be incorporated  
 50 in the review and approval process utilized for area

Page 3

1 boards and the areas being served. The rating system  
 2 and process shall allow for flexibility and creativity  
 3 of area>  
 4 31. Page 166, by striking lines 17 through 20.  
 5 32. By striking page 166, line 27, through page  
 6 167, line 25, and inserting:  
 7 <\_\_. Promote the alignment of state agencies  
 8 involved with early childhood services with the  
 9 strategic plan for a comprehensive system of early  
 10 childhood services and other support.  
 11 \_\_. Work with the bureau of early childhood  
 12 services in building public-private partnerships for  
 13 promoting the comprehensive system of early childhood  
 14 services and other support.  
 15 \_\_. Support the coordination of information  
 16 concerning early childhood services and other support  
 17 on the department's internet site.>  
 18 33. By striking page 167, line 26, through page  
 19 168, line 21, and inserting:  
 20 <Sec. \_\_. NEW SECTION. 256I.5 Bureau of early  
 21 childhood services.

22 In consultation with the state council, the  
23 department shall establish a bureau of early childhood  
24 services. The functions of the bureau shall include  
25 but are not limited to all of the following:

26 1. Develop a definition of at-risk children for  
27 the purposes of this chapter. The definition shall  
28 include income, family structure, the child's level of  
29 development, and availability or accessibility for the  
30 child of a head start or other child care program as  
31 criteria.

32 2. Establish minimum guidelines for comprehensive  
33 early care and early child development services for  
34 at-risk children from zero through age five. The  
35 guidelines shall reflect current research findings  
36 on the necessary components for cost-effective child  
37 development services.

38 3. At least biennially, develop an inventory of  
39 child development services provided to at-risk children  
40 from zero through age five in this state and identify  
41 the number of children receiving and not receiving  
42 these services, the types of programs under which  
43 the services are received, the degree to which each  
44 program meets the department's minimum guidelines for  
45 a comprehensive program, and the reasons children  
46 not receiving the services are not being served. The  
47 bureau is not required to conduct independent research  
48 in developing the inventory, but shall determine  
49 information needs necessary to provide a more complete  
50 inventory.

Page 4

1 4. a. Subject to the availability of funds  
2 appropriated or otherwise available for the purpose  
3 of providing child development services, award grants  
4 for programs that provide new or additional child  
5 development services to at-risk children.

6 b. In awarding program grants to an agency or  
7 individual, the bureau shall consider the following:

8 (1) The quality of the staff and staff background  
9 in child development services.

10 (2) The degree to which the program is or will be  
11 integrated with existing community resources and has  
12 the support of the local community.

13 (3) The ability of the program to provide for child  
14 care in addition to child development services for  
15 families needing full-day child care.

16 (4) A staff-to-children ratio within the guidelines  
17 established under subsection 2, but not less than one  
18 staff member per eight children.

19 (5) The degree to which the program involves and  
20 works with the parents, and includes home visits,

21 instruction for parents on parenting skills, on  
22 enhancement of skills in providing for their children's  
23 learning and development, and the physical, mental, and  
24 emotional development of children, and experiential  
25 education.

26 (6) The manner in which health, medical, dental,  
27 and nutrition services are incorporated into the  
28 program.

29 (7) The degree to which the program complements  
30 existing programs and services for at-risk children  
31 from zero through age five available in the area,  
32 including other child care services, services provided  
33 through the school district, and services available  
34 through area education agencies and early childhood  
35 Iowa areas.

36 (8) The degree to which the program can be  
37 monitored and evaluated to determine its ability to  
38 meet its goals.

39 (9) The provision of transportation or other  
40 auxiliary services that may be necessary for families  
41 to participate in the program.

42 (10) The provision of staff training and  
43 development, and staff compensation sufficient to  
44 assure continuity.

45 c. Program grants funded under this subsection may  
46 integrate children not meeting at-risk criteria into  
47 the program and shall establish a fee for participation  
48 in the program in the manner provided in section  
49 279.49, but grant funds shall not be used to pay the  
50 costs for those children.

Page 5

1 5. a. Encourage the submission of grant requests  
2 from all potential providers of early care and early  
3 childhood services and shall be flexible in evaluating  
4 grants, recognizing that different types of programs  
5 may be suitable for different locations in the state.  
6 However, requests for grants must contain a procedure  
7 for evaluating the effectiveness of the program and  
8 accounting procedures for monitoring the expenditure  
9 of grant moneys.

10 b. The bureau shall seek to use performance-based  
11 measures to evaluate programs. Not more than five  
12 percent of any state funds appropriated for child  
13 development purposes may be used for administration and  
14 evaluation.

15 6. Subject to a decision by the state board to  
16 initiate the programs, develop criteria for and award  
17 grants under section 279.51, subsection 2.

18 7. Work to align the early childhood programs  
19 and other support addressed by this chapter with the

20 federally funded early childhood programs and the  
 21 statewide preschool program for four-year-old children  
 22 implemented pursuant to chapter 256C.

23 8. Work with area boards, school districts, area  
 24 education agencies, and other state agencies to provide  
 25 leadership for development of the comprehensive early  
 26 childhood system. The leadership functions shall  
 27 include but are not limited to all of the following:

28 a. Develop and keep current memoranda of  
 29 understanding between the state agencies represented  
 30 on the state council to promote development and  
 31 integration of the comprehensive early childhood system  
 32 and to clarify the roles and responsibilities of those  
 33 agencies.>

34 34. Page 169, by striking lines 2 and 3.

35 35. Page 169, line 7, by striking <board> and  
 36 inserting <council>

37 36. Page 169, by striking lines 14 and 15 and  
 38 inserting <resolved, upon request, provide technical  
 39 assistance to assist the>

40 37. Page 169, after line 16 by inserting:  
 41 <\_\_. Adopt a system of program and fiscal  
 42 accountability and transparency for early childhood  
 43 services programming. The bureau shall ensure that  
 44 early childhood Iowa areas and boards are accountable  
 45 for the expectations and requirements of this chapter  
 46 and any administrative rules adopted to support the  
 47 implementation of this chapter.

48 \_\_\_. In collaboration with the state council,  
 49 develop a resource directory of parent involvement  
 50 programs to assist district and early childhood Iowa

Page 6

1 areas in planning family support programs.>

2 38. Page 169, line 33, by striking <state board.  
 3 The state board> and inserting <department. The  
 4 department>

5 39. Page 170, line 1, by striking <state board> and  
 6 inserting <department>

7 40. Page 170, line 11, by striking <state board>  
 8 and inserting <department>

9 41. Page 170, line 12, by striking <state board>  
 10 and inserting <department>

11 42. Page 171, line 8, after <board> by inserting  
 12 <or the department>

13 43. Page 171, by striking lines 18 through 23 and  
 14 inserting:

15 <a. Designate an area education agency to be  
 16 the fiscal agent for grant moneys or other moneys  
 17 administered by the area board.>

18 44. Page 171, line 31, by striking <state board>

19 and inserting <department>  
 20 45. Page 172, line 19, by striking  
 21 <community-specific> and inserting <community-specific  
 22 and state-specific>  
 23 46. Page 172, by striking line 21 and inserting  
 24 <how the community plan integrates with the strategic  
 25 plan developed by the state board and the department.>  
 26 47. Page 172, line 31, by striking <state board>  
 27 and inserting <department>  
 28 48. Page 172, line 32, by striking <government  
 29 bodies in the area> and inserting <stakeholders>  
 30 49. Page 172, line 34, after <goals> by inserting  
 31 <and performance indicators>  
 32 50. Page 173, after line 9 by inserting:  
 33 <Sec. \_\_. NEW SECTION. 256I.9 Family support  
 34 programs.  
 35 1. a. The board of directors of each school  
 36 district may develop, offer, and promote a program  
 37 which provides outreach and incentives for the  
 38 voluntary participation of expectant parents and  
 39 parents of children in the period of life from  
 40 zero through age five, who reside within district  
 41 boundaries, in educational family support and parent  
 42 education experiences designed to assist parents in  
 43 learning about the health needs and physical, mental,  
 44 social, and emotional development of their children.  
 45 The program shall be offered in a flexible manner  
 46 to accommodate the varying schedules, meeting place  
 47 requirements, and other needs of working parents. The  
 48 program shall include home visitation. A board may  
 49 contract with another school district or public or  
 50 private nonprofit agency for provision of the approved

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1 program or program site.  
 2 b. A family support program shall meet  
 3 multicultural gender fair guidelines. The program  
 4 shall encourage parents to be aware of practices  
 5 that may affect equitable development of children.  
 6 The program shall include parents in the planning,  
 7 implementation, and evaluation of the program. A  
 8 program shall be designed to meet the needs of the  
 9 residents of the participating district and may use  
 10 unique approaches to provide for those needs. The  
 11 goals of a family support program shall include but are  
 12 not limited to the following:  
 13 (1) Family involvement as a key component of  
 14 school improvement with an emphasis on communication  
 15 and active family participation in family support  
 16 programming.  
 17 (2) Family participation in the planning

18 and decision-making process for the program and  
19 encouragement of long-term parental involvement in  
20 their children's education.  
21 (3) Meeting the educational and developmental needs  
22 of expectant parents and parents of young children.  
23 (4) Developmentally appropriate activities for  
24 children that include those skills necessary for  
25 adaptation to both the home and school environments.  
26 (5) Addressing the health needs and social  
27 development of young children.  
28 2. The department shall develop guidelines for  
29 family support programs. Program components may  
30 include but are not limited to all of the following:  
31 a. Instruction, techniques, and materials designed  
32 to educate parents about the physical, mental,  
33 character, and emotional development of children.  
34 b. Instruction, techniques, and materials designed  
35 to enhance the skills of parents in assisting in their  
36 children's learning and development.  
37 c. Assistance to parents about learning experiences  
38 for both children and parents.  
39 d. Activities, such as developmental screenings,  
40 designed to detect children's physical, mental,  
41 emotional, or behavioral problems that may cause  
42 learning problems and referrals to appropriate  
43 agencies, authorities, or service providers.  
44 e. Activities and materials designed to encourage  
45 parents' and children's self-esteem and to enhance  
46 parenting skills and both parents' and children's  
47 appreciation of the benefits of education.  
48 f. Information on related community resources,  
49 programs, or activities.  
50 g. Role modeling and mentoring techniques for

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1 families of children who meet one or more of the  
2 criteria established for the definition of at-risk  
3 children by the bureau of early childhood services.  
4 3. Family support programs shall be provided by  
5 family support program educators who have completed a  
6 minimum of thirty clock hours of an approved family  
7 support preservice or in-service training program and  
8 meet one of the following requirements:  
9 a. The family support program educator is licensed  
10 in elementary education, early childhood education,  
11 early childhood special education, home economics, or  
12 consumer and homemaking education, or is licensed or  
13 certified in occupational child care services and has  
14 demonstrated an ability to work with young children and  
15 their parents.  
16 b. The family support program educator has achieved

17 child development associate recognition in early  
 18 childhood education, has completed programming in  
 19 child development and nursing, and has demonstrated an  
 20 ability to work with young children and their parents.

21 c. The family support program educator has  
 22 completed sixty college credit hours and possesses two  
 23 years of experience in a program working with young  
 24 children and their parents.

25 d. The family support program educator possesses  
 26 five years of experience in a program working with  
 27 young children and their parents.

28 4. Each district shall maintain a separate account  
 29 within the district budget for moneys allocated for  
 30 family support programs. A district may receive moneys  
 31 from state and federal sources, and may solicit funds  
 32 from private sources, for deposit into the account.

33 5. A district shall coordinate a family support  
 34 program with district special education and vocational  
 35 education programs and with any related services or  
 36 programs provided by other state, federal, or private  
 37 nonprofit agencies.>

38 51. Page 173, line 10, by striking <256I.9> and  
 39 inserting <256I.10>

40 52. Page 173, line 12, by striking <state board>  
 41 and inserting <department>

42 53. Page 173, line 22, by striking <state board>  
 43 and inserting <department>

44 54. Page 173, line 27, by striking <identified> and  
 45 inserting <identified in administrative rule adopted>

46 55. Page 174, line 1, after <board> by inserting  
 47 <and department>

48 56. Page 174, line 5, by striking <state board's>  
 49 and inserting <department's>

50 57. Page 174, line 7, by striking <state board> and

Page 9

1 inserting <department>

2 58. Page 174, line 14, by striking <state board>  
 3 and inserting <department>

4 59. Page 174, line 17, by striking <state board>  
 5 and inserting <department>

6 60. Page 174, line 29, by striking <state board>  
 7 and inserting <department>

8 61. Page 175, line 6, by striking <state board> and  
 9 inserting <department>

10 62. Page 175, line 17, by striking <256I.10> and  
 11 inserting <256I.11>

12 63. Page 175, line 23, by striking <state board>  
 13 and inserting <state council>

14 64. Page 175, line 35, by striking <to the state  
 15 board>



- 16 65. Page 176, line 2, by striking <and this  
17 information shall be included>
- 18 66. Page 176, line 3, by striking <board's annual  
19 report> and inserting <department's annual reporting>
- 20 67. Page 176, line 5, by striking <256I.11> and  
21 inserting <256I.12>
- 22 68. Page 176, line 17, by striking <state board>  
23 and inserting <department>
- 24 69. Page 176, line 29, by striking <state board>  
25 and inserting <department>
- 26 70. Page 176, line 32, by striking <state board>  
27 and inserting <department>
- 28 71. Page 177, by striking lines 9 and 10 and  
29 inserting <established by the department. The bureau  
30 on early childhood services shall provide technical  
31 assistance>
- 32 72. Page 178, after line 6 by inserting:  
33 <Sec. \_\_. NEW SECTION. 256I.13 Annual reporting.  
34 By January 30 of each year, the department shall  
35 submit an annual report to the governor and general  
36 assembly that includes but is not limited to all of the  
37 following:
- 38 1. Any updates to the strategic plan developed  
39 under this chapter.
  - 40 2. The status and results of the early childhood  
41 Iowa initiative's efforts to engage the public  
42 regarding early childhood services, and other needs of  
43 children zero through age five.
  - 44 3. The status and results of the efforts to develop  
45 and promote private sector involvement with the early  
46 childhood services system.
  - 47 4. The status of the early childhood Iowa  
48 initiative and the overall early childhood services  
49 system in achieving the set of desired results.
  - 50 5. The data and common performance measures

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- 1 addressed by the strategic plan, which shall include  
2 but is not limited to funding amounts.
- 3 6. The indicators addressed by the strategic plan  
4 along with associated data trends and their sources.>
- 5 73. Page 178, by striking lines 29 and 30 and  
6 inserting <approval of the Iowa empowerment board  
7 in consultation with the departments, based on the  
8 practices>
- 9 74. Page 180, line 10, by striking <Early childhood  
10 coordination center> and inserting <Bureau on early  
11 childhood services>
- 12 75. Page 181, line 15, by striking <early childhood  
13 coordination center> and inserting <bureau on early  
14 childhood services>

15 76. Page 181, line 20, by striking ~~<council state~~  
 16 ~~board>~~ and inserting ~~<state council>~~  
 17 77. Page 181, lines 23 and 24, by striking ~~<early~~  
 18 ~~childhood Iowa council state board>~~ and inserting  
 19 ~~<early childhood Iowa council state board of education~~  
 20 ~~and department of education>~~  
 21 78. Page 182, lines 9 and 10, by striking ~~<early~~  
 22 ~~childhood coordination center>~~ and inserting ~~<bureau on~~  
 23 ~~early childhood services>~~  
 24 79. Page 182, after line 13 by inserting:  
 25 <Sec. \_\_. Section 256.9, subsection 29, Code  
 26 Supplement 2009, is amended to read as follows:  
 27 29. Develop, in conjunction with the ~~child~~  
 28 ~~development coordinating early childhood Iowa~~  
 29 ~~state council~~ or other similar agency, child-to-staff  
 30 ratio recommendations and standards for at-risk  
 31 programs based on national literature and test results  
 32 and Iowa longitudinal test results.  
 33 Sec. \_\_. Section 256.9, subsection 32, paragraph  
 34 b, Code Supplement 2009, is amended to read as follows:  
 35 b. Standards and materials developed shall include  
 36 materials which employ developmentally appropriate  
 37 practices and incorporate substantial parental  
 38 involvement. The materials and standards shall include  
 39 alternative teaching approaches including collaborative  
 40 teaching and alternative dispute resolution training.  
 41 The department shall consult with the ~~child development~~  
 42 ~~coordinating early childhood Iowa state~~ council, the  
 43 state child care advisory council, the department of  
 44 human services, the state board of regents center for  
 45 early developmental education, the area education  
 46 agencies, the department of child development in  
 47 the college of family and consumer sciences at Iowa  
 48 state university of science and technology, the  
 49 early childhood elementary division of the college of  
 50 education at the university of Iowa, and the college

Page 11

1 of education at the university of northern Iowa, in  
 2 developing these standards and materials.>  
 3 80. Page 182, by striking lines 19 through 21 and  
 4 inserting <start programs, shared visions and other  
 5 programs provided under ~~the auspices of the child~~  
 6 ~~development coordinating early childhood Iowa state~~  
 7 ~~council chapter 256I~~, licensed child care centers,  
 8 registered child>  
 9 81. Page 183, by striking lines 4 and 5 and  
 10 inserting <programs provided under ~~the auspices of the~~  
 11 ~~child development coordinating early childhood Iowa~~  
 12 ~~state council chapter 256I~~, center-based and home-based  
 13 providers >

14 82. Page 183, by striking lines 21 and 22 and  
 15 inserting <programming includes but is not limited to  
 16 ~~child development assistance programs provided under~~  
 17 ~~chapter 256A, special>~~

18 83. Page 183, after line 27 by inserting:  
 19 <Sec. \_\_. Section 262.71, subsection 10, Code  
 20 2009, is amended to read as follows:

21 10. The ~~child development coordinating early~~  
 22 ~~childhood Iowa state council.~~

23 Sec. \_\_. Section 273.2, subsection 5, unnumbered  
 24 paragraph 1, Code Supplement 2009, is amended to read  
 25 as follows:

26 The area education agency board may provide  
 27 for the following programs and services to local  
 28 school districts, and at the request of local school  
 29 districts to providers of ~~child development early~~  
 30 ~~childhood~~ services who have received grants under  
 31 chapter ~~256A from the child development coordinating~~  
 32 ~~council 256L~~, within the limits of funds available:

33 Sec. \_\_. Section 279.51, subsection 1, paragraphs  
 34 b and d, Code 2009, are amended to read as follows:

35 b. For the fiscal year beginning July 1, 2007, and  
 36 for each succeeding fiscal year, eight million five  
 37 hundred thirty-six thousand seven hundred forty dollars  
 38 of the funds appropriated shall be allocated ~~to the~~  
 39 ~~child development coordinating council established in~~  
 40 ~~chapter 256A~~ for the purposes set out in subsection 2  
 41 of this section and early care and child development  
 42 programs under section ~~256A.3~~ 256L.5.

43 d. Notwithstanding ~~section 256A.3, subsection~~  
 44 ~~6, any provision to the contrary~~, of the amount  
 45 appropriated in this subsection for the fiscal year  
 46 beginning July 1, 2007, and for each succeeding fiscal  
 47 year, up to two hundred eighty-two thousand six hundred  
 48 dollars may be used for administrative costs.

49 Sec. \_\_. Section 279.51, subsection 2, paragraph  
 50 a, Code 2009, is amended to read as follows:

Page 12

1 a. To continue funding for programs previously  
 2 funded by grants awarded under section 256A.3, Code  
 3 2009, and to provide additional early care and child  
 4 development grants under ~~section 256A.3~~ chapter 256.  
 5 The ~~council department of education~~ shall seek to  
 6 provide grants on the basis of the location within the  
 7 state of children meeting at-risk definitions.  
 8 Sec. \_\_. Section 279.51, subsection 2, paragraph  
 9 b, unnumbered paragraph 1, Code 2009, is amended to  
 10 read as follows:  
 11 At the discretion of the ~~child development~~  
 12 ~~coordinating council~~ department of education, award

13 grants for the following:>

14 84. Page 183, lines 34 and 35, by striking  
15 <in consultation with the early childhood Iowa  
16 empowerment state board> and inserting <in consultation  
17 with the Iowa empowerment board>

18 85. Page 184, lines 6 and 7, by striking <early  
19 care staff childhood coordination center> and inserting  
20 <early care staff bureau on early childhood services>

21 86. Page 184, lines 13 and 14, by striking <early  
22 childhood coordination center> and inserting <bureau on  
23 early childhood services>

24 87. Page 184, line 19, by striking <board> and  
25 inserting <board council>

26 88. Page 185, after line 9 by inserting:

27 <4. Chapter 256A, Code 2009, is repealed.>

28 89. Page 185, by striking line 14 and inserting  
29 <the department of education in consultation with the  
30 early childhood Iowa state council created pursuant to  
31 this>

32 90. Page 185, lines 18 and 19, by striking <early  
33 childhood Iowa state board> and inserting <department  
34 of education>

35 91. Page 185, line 25, after <board> by inserting  
36 <of education>

37 92. Page 185, line 30, by striking <early childhood  
38 Iowa state board> and inserting <department of  
39 education in consultation with the early childhood Iowa  
40 state council>

41 93. Page 186, line 5, by striking <early childhood  
42 Iowa state board> and inserting <state board of  
43 education>

BECKY SCHMITZ

## S-5024

1 Amend Senate File 2088 as follows:

2 1. Page 186, line 28, by striking <a quarterly> and  
3 inserting <an annual>

4 2. By striking page 207, line 7, through page 210,  
5 line 16, and inserting:

6 <Sec. \_\_. SHIFTING OF PROGRAMS AT STATE MENTAL  
7 HEALTH INSTITUTES.

8 1. The department of human services shall commence  
9 all of the following during the fiscal year beginning  
10 July 1, 2010:

11 a. Shifting the program for juveniles from  
12 the Cherokee state mental health institute to the  
13 Independence state mental health institute.

14 b. Shifting the adult psychiatric program from the  
15 Clarinda state mental health institute to the Cherokee  
16 state mental health institute.

17 c. Shifting the gero-psychiatric program from  
18 the Clarinda state mental health institute to one or  
19 more other locations where quality services can be  
20 provided under the program in a cost-effective manner.  
21 In implementing this paragraph, the department shall  
22 consider all of the following:

23 (1) Developing the program to operate in smaller  
24 separate units and taking other measures to enable  
25 the program to qualify for medical assistance program  
26 funding.

27 (2) Possible program locations at the Glenwood  
28 state resource center, a local hospital or health care  
29 facility with suitable available space, or the Iowa  
30 veterans home.

31 2. The department of human services shall work with  
32 the affected patients and their families and advocates,  
33 the department of corrections and other state agencies  
34 involved, affected state employees, counties and other  
35 units of local government, and other stakeholders  
36 in order to minimize any adverse impacts that could  
37 result from the shifting of programs in accordance with  
38 subsection 1.

39 3. The department of human services may adopt  
40 administrative rules under section 17A.4, subsection  
41 2, and section 17A.5, subsection 2, paragraph "b", to  
42 implement the provisions of this section and the rules  
43 shall become effective immediately upon filing or on a  
44 later effective date specified in the rules, unless the  
45 effective date is delayed by the administrative rules  
46 review committee. Any rules adopted in accordance  
47 with this subsection shall not take effect before  
48 the rules are reviewed by the administrative rules  
49 review committee. The delay authority provided to the  
50 administrative rules review committee under section

Page 2

1 17A.4, subsection 5, and section 17A.8, subsection  
2 9, shall be applicable to a delay imposed under this  
3 subsection, notwithstanding a provision in those  
4 sections making them inapplicable to section 17A.5,  
5 subsection 2, paragraph "b". Any rules adopted in  
6 accordance with the provisions of this subsection  
7 shall also be published as notice of intended action as  
8 provided in section 17A.4.

9 4. The department of human services shall propose  
10 legislation in accordance with section 2.16 to provide  
11 any amendments to permanent law necessary to reflect  
12 the program changes made pursuant to this section.>

13 3. By renumbering as necessary.

**S-5025**

- 1 Amend Senate File 2088 as follows:  
 2 1. Page 10, after line 23 by inserting:  
 3 <Sec. \_\_\_\_ CHIEF INFORMATION OFFICER — THIN-CLIENT  
 4 COMPUTER STUDY. The chief information officer of the  
 5 state shall conduct a study concerning the utilization  
 6 of thin-client computers in lieu of personal computers  
 7 for state government. The study shall examine possible  
 8 cost savings for utilizing thin-client computers as  
 9 well any potential barriers for their usage. The  
 10 chief information officer shall submit a report to  
 11 the general assembly by January 15, 2011, concerning  
 12 the results of the study, documenting possible cost  
 13 savings for utilizing thin-client computers and plans  
 14 for increased usage of thin-client computers. If the  
 15 recommendation is to not increase usage of thin-client  
 16 computers, the report shall document the reasons for  
 17 this decision.>  
 18 2. By renumbering as necessary.

DAVID HARTSUCH  
 PAUL MCKINLEY  
 JERRY BEHN  
 STEVE KETTERING  
 JAMES F. HAHN  
 DAVID JOHNSON  
 TIM L. KAPUCIAN  
 KIM REYNOLDS  
 JAMES A. SEYMOUR

**S-5026**

- 1 Amend Senate File 2088 as follows:  
 2 1. Page 243, after line 29 by inserting:  
 3 <DIVISION \_\_\_\_  
 4 STATE GOVERNMENT REORGANIZATION COST-SAVINGS REPORT  
 5 Sec. \_\_\_\_ STATE GOVERNMENT REORGANIZATION  
 6 COST-SAVINGS REPORT.  
 7 1. The auditor of state, in collaboration with the  
 8 department of administrative services, shall establish  
 9 a mechanism for calculating the cost savings realized  
 10 as a result of this Act.  
 11 2. Utilizing the cost-savings mechanism  
 12 established by the auditor of state, the department  
 13 of administrative services shall submit a report  
 14 to the general assembly and the governor concerning  
 15 the savings realized as a result of this Act. The  
 16 department shall issue an initial report by January  
 17 1, 2012, concerning savings realized in fiscal  
 18 year 2010–2011, and updated reports every two years  
 19 thereafter for savings realized in the preceding fiscal

20 years, concerning savings realized as a result of this  
 21 Act.>  
 22 2. By renumbering as necessary.

RANDY FEENSTRA  
 MERLIN BARTZ  
 JERRY BEHN  
 NANCY J. BOETTGER  
 JAMES F. HAHN  
 SHAWN HAMERLINCK  
 DAVID HARTSUCH  
 HUBERT HOUSER  
 DAVID JOHNSON  
 TIM L. KAPUCIAN  
 STEVE KETTERING  
 PAUL McKINLEY  
 LARRY NOBLE  
 KIM REYNOLDS  
 JAMES A. SEYMOUR  
 PAT WARD  
 RON WIECK  
 BRAD ZAUN

**S-5027**

1 Amend Senate File 2088 as follows:  
 2 1. Page 1, before line 17 by inserting:  
 3 <Sec. \_\_\_. Section 8A.122, Code 2009, is amended by  
 4 adding the following new subsection:  
 5 NEW SUBSECTION. 4. A state agency shall not be  
 6 required to obtain a waiver from the department for the  
 7 purchasing of an item of general use or for acquiring a  
 8 particular information technology service if the state  
 9 agency can obtain the item or service at a cost less  
 10 than the cost at which the department can provide the  
 11 item or service.>  
 12 2. By renumbering as necessary.

DAVID HARTSUCH  
 JAMES A. SEYMOUR  
 JERRY BEHN  
 PAUL McKINLEY  
 STEVE KETTERING  
 BRAD ZAUN  
 NANCY J. BOETTGER  
 JAMES F. HAHN  
 SHAWN HAMERLINCK  
 RANDY FEENSTRA

**S-5028**

- 1 Amend Senate File 2088 as follows:  
 2 1. Page 1, before line 17 by inserting:  
 3 <Sec. \_\_\_\_ Section 8A.122, Code 2009, is amended by  
 4 adding the following new subsection:  
 5 NEW SUBSECTION. 4. A state agency that derives  
 6 over fifty percent of moneys necessary for operating  
 7 the state agency from sources other than the general  
 8 fund of the state shall not be required to obtain  
 9 purchasing or information technology services provided  
 10 by the department pursuant to this chapter, unless the  
 11 state agency chooses to obtain such services provided  
 12 by the department.>  
 13 2. By renumbering as necessary.

DAVID HARTSUCH  
 JAMES A. SEYMOUR  
 JERRY BEHN  
 PAUL McKINLEY  
 BRAD ZAUN  
 NANCY J. BOETTGER  
 JAMES F. HAHN  
 RANDY FEENSTRA

**S-5029**

- 1 Amend Senate File 2088 as follows:  
 2 1. Page 187, by striking lines 5 through 34.  
 3 2. By renumbering as necessary.

JAMES A. SEYMOUR  
 MERLIN BARTZ  
 JERRY BEHN  
 NANCY J. BOETTGER  
 RANDY FEENSTRA  
 JAMES F. HAHN  
 SHAWN HAMERLINCK  
 DAVID HARTSUCH  
 HUBERT HOUSER  
 DAVID JOHNSON  
 TIM L. KAPUCIAN  
 STEVE KETTERING  
 PAUL McKINLEY  
 LARRY NOBLE  
 KIM REYNOLDS  
 PAT WARD  
 RON WIECK  
 BRAD ZAUN



**S-5030**

- 1 Amend Senate File 2088 as follows:
- 2 1. Page 162, line 8, by striking <education> and
- 3 inserting <management>

NANCY J. BOETTGER  
KIM REYNOLDS  
HUBERT HOUSER  
JAMES A. SEYMOUR  
PAT WARD  
JAMES F. HAHN  
STEVE KETTERING  
LARRY NOBLE  
PAUL McKINLEY  
JERRY BEHN  
RANDY FEENSTRA

**S-5031**

- 1 Amend Senate File 2088 as follows:
- 2 1. Page 34, line 27, after <FEES> by inserting <AND
- 3 PENALTIES>
- 4 2. Page 34, line 29, after <charged> by inserting
- 5 <and penalties that may be assessed>
- 6 3. Page 34, after line 30 by inserting:
- 7 <Sec. \_\_\_\_ CIVIL PENALTIES — FY 2010–2011 —
- 8 DEPOSIT.
- 9 1. Notwithstanding any provision of the Code to the
- 10 contrary, for the fiscal year beginning July 1, 2010,
- 11 and ending June 30, 2011, civil penalties assessed by a
- 12 state department or agency within the executive branch
- 13 shall be deposited in the general fund of the state.
- 14 2. State department and agencies collecting
- 15 penalties subject to the requirements of this section
- 16 shall identify civil penalties subject to this
- 17 section and shall submit proposed legislation to the
- 18 general assembly by January 1, 2011, providing for the
- 19 permanent deposit of these penalties in the general
- 20 fund of the state beginning on and after July 1, 2011.>
- 21 4. By renumbering as necessary.

DAVID HARTSUCH  
PAT WARD  
LARRY NOBLE  
DAVID JOHNSON  
TIM L. KAPUCIAN  
KIM REYNOLDS  
JAMES A. SEYMOUR  
JERRY BEHN  
PAUL McKINLEY  
STEVE KETTERING

BRAD ZAUN  
 NANCY J. BOETTGER  
 JAMES F. HAHN  
 RANDY FEENSTRA

**S-5032**

1 Amend Senate File 2088 as follows:  
 2 1. Page 198, by striking line 30 and inserting:  
 3 <Sec. \_\_\_\_ MEDICAID NONPREFERRED DRUG LIST  
 4 PRESCRIBING.  
 5 1. The>  
 6 2. Page 198, after line 35 by inserting:  
 7 <2. Notwithstanding subsection 1, the department  
 8 shall adopt rules pursuant to chapter 17A to restrict a  
 9 physician or other prescriber prescribing a chemically  
 10 unique mental health prescription drug to prescribing  
 11 not more than a seven-day supply of the prescription  
 12 drug while requesting approval to continue to prescribe  
 13 the medication. The rules shall provide that if  
 14 an approval or disapproval is not received by the  
 15 physician or other prescriber within 48 hours of the  
 16 request, the request is deemed approved.>  
 17 3. Page 199, line 5, by striking <shall> and  
 18 inserting <may>  
 19 4. Page 199, line 8, after <drug.> by inserting  
 20 <The department shall consult with the national  
 21 alliance on mental illness, Iowa chapter, and other  
 22 mental health patient organizations in the development  
 23 of the rules and the development of associated  
 24 formularies. The rules shall provide that a medical  
 25 assistance program recipient whose drug regimen is  
 26 established prior to January 1, 2011, on a chemically  
 27 unique mental health prescription drug that would  
 28 otherwise be placed on the nonpreferred drug list and  
 29 subject to prior authorization under this section,  
 30 shall be exempt from the restrictions of this section.  
 31 The department shall not adopt rules under this  
 32 section by emergency rulemaking pursuant to section  
 33 17A.4, subsection 3, and section 17A.5, subsection 2,  
 34 paragraph "b". The rules adopted pursuant to this  
 35 section shall not take effect prior to January 1,  
 36 2011.>  
 37 5. By renumbering as necessary.

JACK HATCH

**S-5033**

1 Amend Senate File 2088 as follows:  
 2 1. Page 240, line 21, by striking <assistant local>  
 3 2. By striking page 240, line 24, through page 241,

4 line 2, and inserting:

5 <.....	\$	1,140,000
6 .....	FTEs	16.00>

7 3. By renumbering as necessary.

KEITH A. KREIMAN

**S-5034**

1 Amend Senate File 2096 as follows:

2 1. Page 1, by striking lines 15 through 19 and  
3 inserting:

4 <1. “Marital agreement” means any of the following:

5 a. A premarital agreement.

6 b. An amendment to a premarital agreement made  
7 between present spouses, but only relating to  
8 post-death matters.

9 c. An agreement or an amendment to an agreement  
10 between present spouses, but only relating to  
11 post-death matters.>

12 2. Page 2, by striking line 30 and inserting  
13 <between present spouses, which as specified in section  
14 596.1, subsection 1, shall only relate to post-death  
15 matters.>

16 3. Page 5, by striking line 20 and inserting  
17 <subject to the limitations of an amendment to a  
18 marital agreement which, as specified in section 596.1,  
19 subsection 1, shall only relate to post-death matters,  
20 and subject to the enforcement provisions of section  
21 596.8.>

22 4. Page 7, after line 20 by inserting:  
23 <Sec. \_\_\_\_ Section 598.21, subsection 5, paragraph  
24 1, Code Supplement 2009, is amended to read as follows:

25 1. The provisions of ~~an antenuptial~~ a premarital  
26 agreement.

27 Sec. \_\_\_\_ Section 598.21A, subsection 1, paragraph  
28 i, Code 2009, is amended to read as follows:

29 i. The provisions of ~~an antenuptial~~ a premarital  
30 agreement.>

31 5. By renumbering as necessary.

KEITH A. KREIMAN

**S-5035**

1 Amend the amendment, S-5024, to Senate File 2088 as  
2 follows:

3 1. Page 2, after line 12 by inserting:

4 <\_\_\_\_.Page 210, by striking lines 19 through 21 and  
5 inserting:

6 <Sec. \_\_\_\_ CONTINGENT EFFECTIVE DATE. This  
7 division of this Act takes effect upon a determination

8 made by the department of economic development and  
 9 transmitted to the governor that the projected savings  
 10 to the state due to this division of this Act is equal  
 11 to or exceeds the negative economic impact to the  
 12 Clarinda area due to this division of this Act. >>  
 13 2. By renumbering as necessary.

HUBERT HOUSER  
 KIM REYNOLDS

### S-5036

1 Amend the amendment, S-5017, to Senate File 2088 as  
 2 follows:  
 3 1. Page 6, by striking lines 16 through 32 and  
 4 inserting:  
 5 <\_\_\_.By striking page 188, line 14, through page  
 6 198, line 16.>  
 7 3. By renumbering as necessary.

JAMES A. SEYMOUR  
 SWATI A. DANDEKAR

### S-5037

1 Amend the amendment, S-5017, to Senate File 2088 as  
 2 follows:  
 3 1. Page 6, line 47, after <department.> by  
 4 inserting <The department may pay for all or a portion  
 5 of the candidate's share of the costs.>  
 6 2. Page 7, line 2, by striking <with>.  
 7 3. Page 7, line 10, after <cost.> by inserting <The  
 8 agency or department may pay for all or a portion of  
 9 the candidate's share of the costs.>

STEVEN J. SODDERS  
 LARRY NOBLE  
 TOM HANCOCK

### S-5038

1 Amend Senate File 2088 as follows:  
 2 1. Page 37, after line 12 by inserting:  
 3 <Sec. \_\_\_. Section 8A.111, Code 2009, is amended by  
 4 adding the following new subsection:  
 5 NEW SUBSECTION. 17. An annual report concerning  
 6 total purchases from businesses located within the  
 7 state and businesses located outside the state and  
 8 the percentage of total purchases from targeted small  
 9 businesses and disadvantaged business enterprises, as  
 10 defined in section 314.14.>  
 11 2. By renumbering as necessary.

DAVID HARTSUCH

**S-5039**

- 1 Amend Senate File 2088 as follows:  
2 1. Page 39, after line 3 by inserting:  
3 <4. The procurement goal from targeted small  
4 businesses and disadvantaged business enterprises, as  
5 defined in section 314.14, for items purchased through  
6 centralized purchasing shall be at least five percent.>  
7 2. By renumbering as necessary.

DAVID HARTSUCH

**S-5040**

- 1 Amend Senate File 2088 as follows:  
2 1. Page 32, after line 22 by inserting:  
3 <Sec. \_\_\_. Section 8.54, Code 2009, is amended by  
4 adding the following new subsection:  
5 NEW SUBSECTION. 6A. If a bill or joint resolution  
6 provides for new revenue or appropriations bonding  
7 authority, or an expansion of existing revenue or  
8 appropriations bonding authority, which bonds are  
9 funded in whole or in part from moneys from the general  
10 fund or from another portion of the state treasury,  
11 the bill or joint resolution shall not become law  
12 unless approved by the affirmative votes of at least  
13 two-thirds of the whole membership of each house of the  
14 general assembly.>  
15 2. Page 33, after line 8 by inserting:  
16 <Sec. \_\_\_. NEW SECTION. 8A.440 Group health  
17 insurance premium costs.  
18 1. A state employee excluded from collective  
19 bargaining as provided in chapter 20 who is a member of  
20 a state group health insurance plan for employees of  
21 the state established under chapter 509A shall pay at  
22 least forty dollars per month of the total premium for  
23 such insurance.  
24 2. Collective bargaining agreements entered into  
25 pursuant to chapter 20 for state employees shall  
26 provide that a state employee covered by that agreement  
27 who is a member of a state group health insurance plan  
28 for employees of the state established under chapter  
29 509A shall pay at least forty dollars per month of the  
30 total premium for such insurance.  
31 Sec. \_\_\_. Section 68B.8, Code 2009, is amended by  
32 adding the following new unnumbered paragraph:  
33 NEW UNNUMBERED PARAGRAPH. A state agency of the  
34 executive branch of state government shall not employ  
35 a person through the use of its public funds whose  
36 position with the agency is primarily representing the  
37 agency relative to the passage, defeat, approval, or  
38 modification of bills that are being considered by the

39 general assembly.  
40 Sec. \_\_\_\_ APPLICABILITY. The provision of  
41 this division of this Act enacting section 8A.440,  
42 subsection 2, applies to collective bargaining  
43 agreements entered into on or after the effective date  
44 of this division of this Act.>  
45 3. Page 34, after line 30 by inserting:  
46 <Sec. \_\_\_\_ COLLECTIVE BARGAINING AGREEMENT —  
47 RENEGOTIATION — COMPENSATION TERMS.  
48 1. The general assembly finds that in order to  
49 avoid layoffs, reductions in salary costs must be  
50 achieved. As a result, the governor, the state court

Page 2

1 administrator, and the state board of regents shall  
2 renegotiate with state labor unions the collective  
3 bargaining agreements effective during the fiscal year  
4 beginning July 1, 2010, and ending June 30, 2011.  
5 2. The governor, the state court administrator,  
6 and the state board of regents shall apply all of  
7 the following terms in the renegotiated collective  
8 bargaining agreements effective during the fiscal year  
9 beginning July 1, 2010, and ending June 30, 2011:  
10 a. A cost of living increase shall not be granted.  
11 The pay plans as they exist for the fiscal year ending  
12 June 30, 2010, shall be the pay plans used for the  
13 fiscal year ending June 30, 2011.  
14 b. A five percent salary decrease shall be  
15 implemented. The salary decrease shall be calculated  
16 using the pay plans as they exist for the fiscal year  
17 ending June 30, 2010.  
18 c. Employees shall not receive a step increase or  
19 the equivalent of a step increase.  
20 3. For the fiscal year beginning July 1, 2010, and  
21 ending June 30, 2011, the provisions of subsection 2  
22 shall apply to all pay plans provided for in section  
23 8A.413, subsection 3, and shall apply to all employees  
24 not covered by a collective bargaining agreement.  
25 4. For the fiscal year beginning July 1, 2010, and  
26 ending June 30, 2011, the provisions of subsection 2  
27 shall apply to all state board of regents employees not  
28 covered by a collective bargaining agreement.  
29 5. For the fiscal year beginning July 1, 2010, and  
30 ending June 30, 2011, the provisions of subsection 2  
31 shall apply to all legislative and judicial branch  
32 employees not covered by a collective bargaining  
33 agreement.  
34 6. Any moneys appropriated from the general fund of  
35 the state to a department, commission, board, agency,  
36 the state board of regents, the judicial branch, or  
37 the legislative branch for purposes of salaries that

38 are not expended as a result of the provisions of  
39 subsection 2 shall remain in the general fund and shall  
40 not be expended for any other purpose.

41 Sec. \_\_. EFFECTIVE UPON ENACTMENT. The section  
42 of this division of this Act concerning collective  
43 bargaining agreement renegotiation, being deemed of  
44 immediate importance, takes effect upon enactment.>

45 4. Page 243, after line 9 by inserting:

46 <DIVISION \_\_

47 ONGOING PROGRAM REVIEW

48 Sec. \_\_. NEW SECTION. 8.71 Ongoing program review —  
49 repeal dates.

50 1. The general assembly finds that a regular review

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1 of the programs and projects administered by state  
2 government is necessary to determine whether each  
3 program and project is effectively and efficiently  
4 meeting the needs for which created and whether the  
5 needs remain in place. The general assembly further  
6 finds that a regular, systematic review process can  
7 identify the programs and projects that are no longer  
8 relevant or functioning at a desirable level and can  
9 eliminate or reorganize those programs and projects so  
10 that state resources can be used most effectively or  
11 diverted to other priorities.

12 2. The committees on state government of the  
13 senate and house of representatives shall propose  
14 legislation for consideration by the Eighty-fourth  
15 General Assembly, 2011 Session, providing a staggered  
16 schedule for establishing an automatic repeal date for  
17 each program or project administered by a department of  
18 state government over the succeeding four-year period.  
19 The committees on state government shall consult with  
20 the office of the governor and the department of  
21 management in formulating the staggered schedule and  
22 the office and department shall cooperate in providing  
23 necessary information requested by either committee.  
24 The repeal date provisions shall be implemented  
25 in a manner so that any program or project that is  
26 reauthorized by law is again subject to automatic  
27 repeal four years after reauthorization.>

28 5. Page 243, before line 30 by inserting:

29 <DIVISION \_\_

30 EXPENDITURE LIMITATION CONSTITUTIONAL AMENDMENT

31 Sec. \_\_. BUDGETING PRACTICES — LEGISLATIVE  
32 INTENT. The general assembly finds that the state  
33 general fund expenditure limitation law has been an  
34 effective and useful tool for prudent state budgeting  
35 when the law has been properly applied to limit  
36 expenditures to not more than ninety-nine percent of

37 available state revenues. Maintaining the law's proper  
 38 application will result in Iowa maintaining a balanced  
 39 budget and healthy reserve fund balances. Much as the  
 40 families of Iowa have found the need to apply difficult  
 41 measures in order to live within their means with  
 42 reduced economic resources, the general assembly finds  
 43 that making the expenditure limitation law part of the  
 44 state constitution would assure that the state will  
 45 also maintain discipline over public resources into the  
 46 future. Therefore, the general assembly intends to  
 47 move forward to allow consideration by the people of  
 48 Iowa of an amendment to add Iowa's state general fund  
 49 expenditure limitation law to the Constitution of the  
 50 State of Iowa.>

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- 1 6. By renumbering as necessary.

RANDY FEENSTRA

### S-5041

- 1 Amend the amendment, S-5017, to Senate File 2088 as  
 2 follows:  
 3 1. By striking page 7, line 20, through page 9,  
 4 line 12.  
 5 2. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.  
 MATT McCOY  
 STACI APPEL  
 TOM RIELLY

### S-5042

- 1 Amend the amendment, S-5021, to Senate File 2088 as  
 2 follows:  
 3 1. Page 4, by striking lines 27 and 28 and  
 4 inserting:  
 5 < \_\_. Page 42, by striking lines 7 through 11.>  
 6 2. Page 4, after line 40 by inserting:  
 7 < \_\_. Page 42, line 35, by striking <or sell and  
 8 lease back>  
 9 \_\_. Page 43, after line 4 by inserting:  
 10 <4. Real property subject to this section shall be  
 11 sold through a competitive bid process.>  
 12 \_\_. Page 80, after line 14 by inserting:  
 13 <DIVISION \_\_  
 14 LOTTERY OPERATIONS  
 15 Sec. \_\_. SALE OF LOTTERY — PROHIBITION. The  
 16 state of Iowa shall not enter into a contract with any



17 person for the sale of the Iowa lottery authority,  
 18 as created in section 99G.4, or for establishing or  
 19 conducting a lottery or lottery game, as defined in  
 20 section 99G.3, for the state of Iowa. >>  
 21 3. By renumbering as necessary.

DAVID HARTSUCH  
 JERRY BEHN

### S-5043

1 Amend the amendment, S-5017, to Senate File 2088 as  
 2 follows:  
 3 1. Page 6, by striking lines 33 and 34 and  
 4 inserting:  
 5 <\_\_. Page 236, by striking lines 1 and 2 and  
 6 inserting:  
 7 <Sec. \_\_. REPEAL. Section 135.28, Code 2009, is  
 8 repealed. >>  
 9 2. By renumbering as necessary.

STEVEN J. SODDERS

### S-5044

#### HOUSE AMENDMENT TO SENATE FILE 434

1 Amend Senate File 434, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking everything after the enacting clause  
 4 and inserting:  
 5 <Section 1. Section 364.22, subsection 4, Code  
 6 Supplement 2009, is amended by adding the following new  
 7 paragraph:  
 8 NEW PARAGRAPH. h. The legal description of the  
 9 affected real property, if applicable.  
 10 Sec. 2. Section 364.22, Code Supplement 2009, is  
 11 amended by adding the following new subsection:  
 12 NEW SUBSECTION. 4A. a. Upon receiving a citation  
 13 under subsection 4 that affects real property and that  
 14 charges a violation relating to the condition of the  
 15 property, including a building code violation, a local  
 16 housing regulation violation, a housing code violation,  
 17 or a public health or safety violation, the clerk of  
 18 the district court shall index the citation pursuant  
 19 to section 617.10, if the legal description of the  
 20 affected property is included in or attached to the  
 21 citation.  
 22 b. After filing the citation with the clerk of the  
 23 district court, the city shall also file the citation  
 24 in the office of the county treasurer. The county

25 treasurer shall include a notation of the pendency of  
 26 the action in the county system, as defined in section  
 27 445.1, until the judgment of the court is satisfied or  
 28 until the action is dismissed. Pursuant to section  
 29 446.7, an affected property that is subject to a  
 30 pending action shall not be offered for sale by the  
 31 county treasurer at tax sale.

32 Sec. 3. Section 446.7, subsection 1, Code 2009, is  
 33 amended to read as follows:

34 1. Annually, on the third Monday in June the county  
 35 treasurer shall offer at public sale all parcels on  
 36 which taxes are delinquent. The treasurer shall not,  
 37 however, offer for sale any parcel that is subject to a  
 38 pending action as the result of a municipal infraction  
 39 citation under section 364.22, a petition filed under  
 40 chapter 657, or a petition filed under chapter 657A,  
 41 if such municipal infraction citation or petition is  
 42 indexed under section 617.10 and noted in the county  
 43 system as defined in section 445.1. The sale shall be  
 44 made for the total amount of taxes, interest, fees, and  
 45 costs due. If for good cause the treasurer cannot hold  
 46 the annual tax sale on the third Monday of June, the  
 47 treasurer may designate a different date in June for  
 48 the sale.

49 Sec. 4. **NEW SECTION.** 448.13 Cancellation of tax  
 50 sale and certificate of purchase — refund of purchase

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1 money.

2 If the county treasurer receives a verified  
 3 statement from a city stating that a parcel sold at  
 4 tax sale contains a building which is abandoned, as  
 5 those terms are defined in section 657A.1, prior to  
 6 redemption of the parcel under chapter 447 or the  
 7 issuance of a tax deed for the parcel, and the verified  
 8 statement is accompanied by a petition filed by the  
 9 city under section 657A.10A for title to the parcel,  
 10 the county treasurer shall make an entry in the county  
 11 system canceling the sale of the parcel and shall  
 12 refund the purchase money to the tax sale certificate  
 13 holder.

14 Sec. 5. Section 602.8102, subsection 94, Code 2009,  
 15 is amended to read as follows:

16 94. File and index petitions and municipal  
 17 infraction citations affecting real estate as provided  
 18 in sections 617.10 through 617.15.

19 Sec. 6. Section 617.10, subsection 1, Code 2009, is  
 20 amended to read as follows:

21 1. When a petition or municipal infraction  
 22 citation affecting real estate is filed, the clerk of  
 23 the district court where the petition or municipal

24 infraction citation is filed shall index the petition  
25 or municipal infraction citation in an index book  
26 under the tract number which describes the property,  
27 entering in each instance the case number as a guide  
28 to the record of court proceedings which affect the  
29 real estate. If the petition or municipal infraction  
30 citation is amended to include other parties or other  
31 lands, the amended petition or municipal infraction  
32 citation shall be similarly indexed. When a final  
33 result is determined in the case, the result shall be  
34 indicated in the index book wherever indexed.

35 Sec. 7. Section 617.12, Code 2009, is amended to  
36 read as follows:

37 617.12 Exceptions.

38 If the real property affected ~~be~~ is situated in  
39 the county where the petition or municipal infraction  
40 citation is filed it shall be unnecessary to show in  
41 said index lands not situated in said county.

42 Sec. 8. Section 657.1, subsection 1, Code 2009, is  
43 amended to read as follows:

44 1. Whatever is injurious to health, indecent, or  
45 unreasonably offensive to the senses, or an obstruction  
46 to the free use of property, so as essentially to  
47 interfere unreasonably with the comfortable enjoyment  
48 of life or property, is a nuisance, and a civil action  
49 by ordinary proceedings may be brought to enjoin and  
50 abate the nuisance and to recover damages sustained on

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1 account of the nuisance. A petition filed under this  
2 subsection shall include the legal description of the  
3 real property upon which the nuisance is located unless  
4 the nuisance is not situated on or confined to a parcel  
5 of real property or is portable or capable of being  
6 removed from the real property.

7 Sec. 9. NEW SECTION. 657.2A Indexing of petition.

8 1. When a petition affecting real property is filed  
9 by a governmental entity under this chapter, the clerk  
10 of the district court shall index the petition pursuant  
11 to section 617.10, if the legal description of the  
12 affected property is included in or attached to the  
13 petition.

14 2. After filing the petition with the clerk of the  
15 district court, the governmental entity shall also file  
16 the petition in the office of the county treasurer.  
17 The county treasurer shall include a notation of the  
18 pendency of the action in the county system, as defined  
19 in section 445.1, until the judgment of the court is  
20 satisfied or until the action is dismissed. Pursuant  
21 to section 446.7, an affected property that is subject  
22 to a pending action shall not be offered for sale by

23 the county treasurer at tax sale.

24 Sec. 10. Section 657A.2, subsection 1, Code 2009,  
25 is amended to read as follows:

26 1. A petition for abatement under this chapter  
27 may be filed in the district court of the county in  
28 which the property is located, by the city in which the  
29 property is located, by the county if the property is  
30 located outside the limits of a city, by a neighboring  
31 landowner, or by a duly organized nonprofit corporation  
32 which has as one of its goals the improvement of  
33 housing conditions in the county or city in which  
34 the property in question is located. A petition for  
35 abatement filed under this chapter shall include the  
36 legal description of the real property upon which the  
37 nuisance or dangerous or unsafe condition is located  
38 unless the nuisance or dangerous or unsafe condition  
39 is not situated on or confined to a parcel of real  
40 property or is portable or capable of being removed  
41 from the real property. Service on the owner shall  
42 be by personal service or by certified mail, or if  
43 service cannot be made by either method, by posting the  
44 notice in a conspicuous place on the building and by  
45 publication.

46 Sec. 11. Section 657A.10A, subsection 1, unnumbered  
47 paragraph 1, Code 2009, is amended to read as follows:

48 In lieu of the procedures in sections 657A.2 through  
49 657A.10, a city in which an abandoned building is  
50 located may petition the court to enter judgment

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1 awarding title to the abandoned property to the city.  
2 A petition filed under this section shall include the  
3 legal description of the abandoned property. If more  
4 than one abandoned building is located on a parcel of  
5 real estate, the city may combine the actions into  
6 one petition. The owner of the building and grounds,  
7 mortgagees of record, lienholders of record, or other  
8 known persons who hold an interest in the property  
9 shall be named as respondents on the petition.

10 Sec. 12. Section 657A.10A, Code 2009, is amended by  
11 adding the following new subsection:

12 NEW SUBSECTION. 6. If a city files a petition  
13 under subsection 1, naming the holder of a tax  
14 sale certificate of purchase for the property as a  
15 respondent, the city shall also file the petition,  
16 along with a verified statement declaring that the  
17 property identified in the petition contains an  
18 abandoned building, with the county treasurer. Upon  
19 receiving the petition and verified statement, the  
20 county treasurer shall make an entry in the county  
21 system canceling the sale of the property and shall

22 refund the purchase money to the tax sale certificate  
23 holder.

24 Sec. 13. NEW SECTION. 657A.12 Indexing of  
25 petition.

26 1. When a petition affecting real property is filed  
27 by a governmental entity under this chapter, the clerk  
28 of the district court shall index the petition pursuant  
29 to section 617.10, if the legal description of the  
30 affected property is included in or attached to the  
31 petition.

32 2. After filing the petition with the clerk of the  
33 district court, the governmental entity shall also file  
34 the petition in the office of the county treasurer.  
35 The county treasurer shall include a notation of the  
36 pendency of the action in the county system, as defined  
37 in section 445.1, until the judgment of the court is  
38 satisfied or until the action is dismissed. Pursuant  
39 to section 446.7, an affected property that is subject  
40 to a pending action shall not be offered for sale by  
41 the county treasurer at tax sale.>

42 2. Title page, line 3, after <property> by  
43 inserting <and requiring the county treasurer to  
44 withhold certain real property from tax sale>

## S-5045

1 Amend Senate File 2108 as follows:

2 1. Page 2, after line 4 by inserting:

3 <Sec. \_\_. EFFECTIVE DATE. This Act takes effect  
4 May 1, 2010.>

5 2. Title page, line 2, after <applicable> by

6 inserting: <and including effective date provisions>

7 3. By renumbering as necessary.

PAM JOCHUM

## S-5046

1 Amend House File 777 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 21.6, subsection 3, paragraph  
5 d, Code 2009, is amended to read as follows:

6 d. Shall issue an order removing a member of a  
7 governmental body from office if that member has  
8 engaged in a prior violation of this chapter for which  
9 damages were assessed against the member during the  
10 member's term. In making this determination, the court  
11 shall recognize violations for which damages were  
12 assessed by the Iowa public information board created  
13 in section 23.3.

14 Sec. 2. Section 22.10, subsection 3, paragraph d,

15 Code 2009, is amended to read as follows:

16 d. Shall issue an order removing a person from  
 17 office if that person has engaged in a prior violation  
 18 of this chapter for which damages were assessed against  
 19 the person during the person's term. In making this  
 20 determination, the court shall recognize violations  
 21 for which damages were assessed by the Iowa public  
 22 information board created in section 23.3.

23 Sec. 3. NEW SECTION. 23.1 Citation and purpose.

24 This chapter may be cited as the "Iowa Public  
 25 Information Board Act". The purpose of this chapter  
 26 is to provide an alternative means by which to secure  
 27 compliance with and enforcement of the requirements of  
 28 chapters 21 and 22 through the provision by the Iowa  
 29 public information board to all interested parties of  
 30 an efficient, informal, and cost-effective process for  
 31 resolving disputes.

32 Sec. 4. NEW SECTION. 23.2 Definitions.

33 1. "Board" means the Iowa public information board  
 34 created in section 23.3.

35 2. "Complainant" means a person who files a  
 36 complaint with the board.

37 3. "Complaint" means a written and signed document  
 38 filed with the board alleging a violation of chapter  
 39 21 or 22.

40 4. "Custodian" means a government body, government  
 41 official, or government employee designated as the  
 42 lawful custodian of a government record pursuant to  
 43 section 22.1.

44 5. "Government body" means the same as defined in  
 45 section 22.1.

46 6. "Person" means an individual, partnership,  
 47 association, corporation, legal representative,  
 48 trustee, receiver, custodian, government body, or  
 49 official, employee, agency, or political subdivision of  
 50 this state.

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1 7. "Respondent" means any agency or other unit  
 2 of state or local government, custodian, government  
 3 official, or government employee who is the subject of  
 4 a complaint.

5 Sec. 5. NEW SECTION. 23.3 Board appointed.

6 1. An Iowa public information board is created  
 7 consisting of five members appointed by the governor,  
 8 subject to confirmation by the senate. Membership  
 9 shall be balanced as to political affiliation as  
 10 provided in section 69.16 and gender as provided in  
 11 section 69.16A. Members appointed to the board shall  
 12 serve staggered, four-year terms, beginning and ending  
 13 as provided by section 69.19. A quorum shall consist

14 of three members.

15 2. A vacancy on the board shall be filled by the  
16 governor by appointment for the unexpired part of the  
17 term. A board member may be removed from office by the  
18 governor for good cause. The board shall select one  
19 of its members to serve as chair and shall employ a  
20 director who shall serve as the executive officer of  
21 the board.

22 Sec. 6. NEW SECTION. 23.4 Compensation and  
23 expenses.

24 Board members shall be paid a per diem as specified  
25 in section 7E.6 and shall be reimbursed for actual and  
26 necessary expenses incurred while on official board  
27 business. Per diem and expenses shall be paid from  
28 funds appropriated to the board.

29 Sec. 7. NEW SECTION. 23.5 Election of remedies.

30 1. An aggrieved person, any taxpayer to or citizen  
31 of this state, the attorney general, or any county  
32 attorney may seek enforcement of the requirements of  
33 chapters 21 and 22 by electing either to file an action  
34 pursuant to section 17A.19, 21.6, or 22.10, whichever  
35 is applicable, or in the alternative, to file a timely  
36 complaint with the board.

37 2. If more than one person seeks enforcement of  
38 chapter 21 or 22 with respect to the same incident  
39 involving an alleged violation, and one or more of  
40 such persons elects to do so by filing an action under  
41 section 17A.19, 21.6, or 22.10 and one or more of such  
42 persons elects to do so by filing a timely complaint  
43 with the board, the court in which the action was filed  
44 shall dismiss the action without prejudice, authorizing  
45 the complainant to file a complaint with respect to  
46 the same incident with the board without regard to the  
47 timeliness of the filing of the complaint at the time  
48 the action in court is dismissed.

49 3. If a person files an action pursuant to section  
50 22.8 seeking to enjoin the inspection of a public

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1 record, the respondent or person requesting access to  
2 the record which is the subject of the request for  
3 injunction may remove the proceeding to the board for  
4 its determination by filing, within thirty days of the  
5 commencement of the judicial proceeding, a complaint  
6 with the board alleging a violation of chapter 22 in  
7 regard to the same matter.

8 Sec. 8. NEW SECTION. 23.6 Board powers and duties.

9 The board shall have all of the following powers and  
10 duties:

11 1. Employ such employees as are necessary to  
12 execute its authority, including administrative law

13 judges, and attorneys to prosecute respondents in  
14 proceedings before the board and to represent the board  
15 in proceedings before a court. Notwithstanding section  
16 8A.412, all of the board's employees, except for the  
17 executive director and attorneys, shall be employed  
18 subject to the merit system provisions of chapter 8A,  
19 subchapter IV.

20 2. Adopt rules with the force of law pursuant to  
21 chapter 17A calculated to implement, enforce, and  
22 interpret the requirements of chapters 21 and 22 and to  
23 implement any authority delegated to the board by this  
24 chapter.

25 3. Issue, consistent with the requirements of  
26 section 17A.9, declaratory orders with the force of law  
27 determining the applicability of chapter 21 or 22 to  
28 specified fact situations and issue informal advice to  
29 any person concerning the applicability of chapters 21  
30 and 22.

31 4. Receive complaints alleging violations of  
32 chapter 21 or 22, seek resolution of such complaints  
33 through informal assistance or through mediation and  
34 settlement, formally investigate such complaints,  
35 decide after such an investigation whether there is  
36 probable cause to believe a violation of chapter 21  
37 or 22 has occurred, and if probable cause has been  
38 found prosecute the respondent before the board in a  
39 contested case proceeding conducted according to the  
40 provisions of chapter 17A.

41 5. Request and receive from a government body  
42 assistance and information as necessary in the  
43 performance of its duties. The board may examine  
44 a record of a government body that is the subject  
45 matter of a complaint, including any record that is  
46 confidential by law. Confidential records provided  
47 to the board by a governmental body shall continue  
48 to maintain their confidential status. Any member or  
49 employee of the board is subject to the same policies  
50 and penalties regarding the confidentiality of the

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1 document as an employee of the government body.

2 6. Issue subpoenas enforceable in court for the  
3 purpose of investigating complaints and to facilitate  
4 the prosecution and conduct of contested cases before  
5 the board.

6 7. After appropriate board proceedings, issue  
7 orders with the force of law, determining whether there  
8 has been a violation of chapter 21 or 22, requiring  
9 compliance with specified provisions of those chapters,  
10 imposing civil penalties equivalent to and to the same  
11 extent as those provided for in section 21.6 or 22.10,



12 as applicable, on a respondent who has been found in  
13 violation of chapter 21 or 22, and imposing any other  
14 appropriate remedies calculated to declare, terminate,  
15 or remediate any violation of those chapters.

16 8. Represent itself in judicial proceedings  
17 to enforce or defend its orders and rules through  
18 attorneys on its own staff, through the office of the  
19 attorney general, or through other attorneys retained  
20 by the board, at its option.

21 9. Make training opportunities available to lawful  
22 custodians, government bodies, and other persons  
23 subject to the requirements of chapters 21 and 22 and  
24 require, in its discretion, appropriate persons who  
25 have responsibilities in relation to chapters 21 and 22  
26 to receive periodic training approved by the board.

27 10. Disseminate information calculated to inform  
28 members of the public about the public's right to  
29 access government information in this state including  
30 procedures to facilitate this access and including  
31 information relating to the obligations of government  
32 bodies under chapter 21 and lawful custodians under  
33 chapter 22 and other laws dealing with this subject.

34 11. Prepare and transmit to the governor and to the  
35 general assembly, at least annually, reports describing  
36 complaints received, board proceedings, investigations,  
37 hearings conducted, decisions rendered, and other work  
38 performed by the board.

39 12. Make recommendations to the governor and the  
40 general assembly by proposing legislation relating  
41 to issues involving public access to meetings of a  
42 governmental body and to records of a government body  
43 including but not limited to recommendations relating  
44 to the following issues:

- 45 a. The categorization of government records.
- 46 b. Public employment applications.
- 47 c. Information unduly invading personal privacy  
48 including personal information on mailing lists and  
49 opt-in provisions relating to such lists and personal  
50 information in confidential personnel records of a

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- 1 government body.
- 2 d. Tentative, preliminary, or draft material.
- 3 e. Serial meetings of less than a majority of a  
4 governmental body.
- 5 f. Definitions of what constitutes a governmental  
6 body for purposes of chapter 21 and what constitutes a  
7 government body for purposes of chapter 22.
- 8 13. Aid the general assembly in evaluating the  
9 impact of legislation affecting public access to  
10 government information.

11 14. Conduct public hearings, conferences,  
 12 workshops, and other meetings as necessary to address  
 13 problems and suggest solutions concerning access to  
 14 government information and proceedings.

15 15. Review the collection, maintenance, and use of  
 16 government records by lawful custodians to ensure that  
 17 confidential records and information are handled to  
 18 adequately protect personal privacy interests.

19 Sec. 9. NEW SECTION. 23.7 Filing of complaints  
 20 with the board.

21 1. The board shall adopt rules with the force  
 22 of law and pursuant to chapter 17A providing for the  
 23 timing, form, content, and means by which any aggrieved  
 24 person, any taxpayer to or citizen of this state,  
 25 the attorney general, or any county attorney may file  
 26 a complaint with the board alleging a violation of  
 27 chapter 21 or 22. The complaint must be filed within  
 28 sixty days from the time the alleged violation occurred  
 29 or the complainant could have become aware of the  
 30 violation with reasonable diligence. All complaints  
 31 filed with the board shall be public records.

32 2. All board proceedings in response to the filing  
 33 of a complaint shall be conducted as expeditiously as  
 34 possible.

35 3. The board shall not charge a complainant any  
 36 fee in relation to the filing of a complaint, the  
 37 processing of a complaint, or any board proceeding or  
 38 judicial proceeding resulting from the filing of a  
 39 complaint.

40 Sec. 10. NEW SECTION. 23.8 Initial processing of  
 41 complaint.

42 Upon receipt of a complaint alleging a violation  
 43 of chapter 21 or 22, the board shall do either of the  
 44 following:

45 1. Determine that, on its face, the complaint  
 46 is within the board's jurisdiction, appears legally  
 47 sufficient, and could have merit. In such a case the  
 48 board shall accept the complaint, and shall notify the  
 49 parties of that fact in writing.

50 2. Determine that, on its face, the complaint is

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1 outside its jurisdiction, is legally insufficient, is  
 2 frivolous, is without merit, involves harmless error,  
 3 or relates to a specific incident that has previously  
 4 been finally disposed of on its merits by the board or  
 5 a court. In such a case the board shall decline to  
 6 accept the complaint. If the board refuses to accept a  
 7 complaint, the board shall provide the complainant with  
 8 a written order explaining its reasons for the action.

9 Sec. 11. NEW SECTION. 23.9 Informal assistance —

10 mediation and settlement.

11 1. After accepting a complaint, the board shall  
12 promptly work with the parties through its employees  
13 to reach an informal, expeditious resolution of the  
14 complaint. If an informal resolution satisfactory to  
15 the parties cannot be reached, the board or the board's  
16 designee shall offer the parties an opportunity to  
17 resolve the dispute through mediation and settlement.

18 2. The mediation and settlement process shall  
19 enable the complainant to attempt to resolve the  
20 dispute with the aid of a neutral mediator employed and  
21 selected by the board, in its discretion, from either  
22 its own staff or an outside source.

23 3. Mediation shall be conducted as an informal,  
24 nonadversarial process and in a manner calculated  
25 to help the parties reach a mutually acceptable and  
26 voluntary settlement agreement. The mediator shall  
27 assist the parties in identifying issues and shall  
28 foster joint problem solving and the exploration of  
29 settlement alternatives.

30 Sec. 12. NEW SECTION. 23.10 Enforcement.

31 1. If any party declines mediation or settlement or  
32 if mediation or settlement fails to resolve the matter  
33 to the satisfaction of all parties, the board shall  
34 initiate a formal investigation concerning the facts  
35 and circumstances set forth in the complaint. The  
36 board shall, after an appropriate investigation, make  
37 a determination as to whether the complaint is within  
38 the board's jurisdiction and whether there is probable  
39 cause to believe that the facts and circumstances  
40 alleged in the complaint constitute a violation of  
41 chapter 21 or 22.

42 2. If the board finds the complaint is outside the  
43 board's jurisdiction or there is no probable cause to  
44 believe there has been a violation of chapter 21 or 22,  
45 the board shall issue a written order explaining the  
46 reasons for the board's conclusions and dismissing the  
47 complaint, and shall transmit a copy to the complainant  
48 and to the party against whom the complaint was filed.

49 3. a. If the board finds the complaint is within  
50 the board's jurisdiction and there is probable cause

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1 to believe there has been a violation of chapter 21  
2 or 22, the board shall issue a written order to that  
3 effect and shall commence a contested case proceeding  
4 under chapter 17A against the respondent. An attorney  
5 selected by the director of the board shall prosecute  
6 the respondent in the contested case proceeding. At  
7 the termination of the contested case proceeding the  
8 board shall, by a majority vote of its members, render

9 a final decision as to the merits of the complaint. If  
 10 the board finds that the complaint has merit, the board  
 11 may issue any appropriate order to ensure enforcement  
 12 of chapter 21 or 22 including but not limited to  
 13 an order requiring specified action or prohibiting  
 14 specified action and any appropriate order to remedy  
 15 any failure of the respondent to observe any provision  
 16 of those chapters.

17 b. If the board determines, by a majority vote of  
 18 its members, that the respondent has violated chapter  
 19 21 or 22, the board may also do any or all of the  
 20 following:

21 (1) Require the respondent to pay damages as  
 22 provided for in section 21.6 or 22.10, whichever is  
 23 applicable, to the extent that provision would make  
 24 such damages payable if the complainant had sought to  
 25 enforce a violation in court instead of through the  
 26 board.

27 (2) Void any action taken in violation of chapter  
 28 21 if a court would be authorized to do so in similar  
 29 circumstances pursuant to section 21.6.

30 c. The board shall not have the authority to remove  
 31 a person from public office for a violation of chapter  
 32 21 or 22. The board may file an action under chapter  
 33 21 or 22 to remove a person from office for violations  
 34 that would subject a person to removal under those  
 35 chapters.

36 d. A final board order resulting from such  
 37 proceedings may be enforced by the board in court  
 38 and is subject to judicial review pursuant to section  
 39 17A.19.

40 Sec. 13. NEW SECTION. 23.11 Defenses in a  
 41 contested case proceeding.

42 A respondent may defend against a proceeding before  
 43 the board charging a violation of chapter 21 or 22  
 44 on the ground that if such a violation occurred it  
 45 was only harmless error or that clear and convincing  
 46 evidence demonstrated that grounds existed to justify  
 47 a court to issue an injunction against disclosure  
 48 pursuant to section 22.8.

49 Sec. 14. NEW SECTION. 23.12 Jurisdiction.

50 The board shall not have jurisdiction over the

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1 judicial or legislative branches of state government or  
 2 any entity, officer, or employee of those branches, or  
 3 over the governor or the office of the governor.

4 Sec. 15. IOWA PUBLIC INFORMATION BOARD —  
 5 TRANSITION PROVISIONS.

6 1. The initial members of the Iowa public  
 7 information board established pursuant to this Act

- 8 shall be appointed by September 1, 2010.
- 9 2. Notwithstanding any provision of this Act to the  
10 contrary, the director of the board and employees of  
11 the board shall not be hired prior to July 1, 2011.
- 12 3. Prior to July 1, 2011, the board shall submit  
13 a report to the governor and the general assembly.  
14 The report shall include a job description for the  
15 executive director of the board, goals for board  
16 operations, and performance measures to measure  
17 achievement of the board's goals.
- 18 Sec. 16. IOWA PUBLIC INFORMATION BOARD —  
19 CONTINGENT FUNDING. Implementation of the Iowa public  
20 information board is contingent upon the receipt of  
21 funding sufficient to cover the initial expenses of the  
22 board.
- 23 Sec. 17. EFFECTIVE DATE. Except for the section  
24 of this Act establishing transition provisions for the  
25 Iowa public information board, this Act takes effect  
26 July 1, 2011.>
- 27 2. Title page, by striking lines 1 through 3  
28 and inserting: <An Act creating the Iowa public  
29 information board and providing an effective date.>

COMMITTEE ON STATE GOVERNMENT  
STACI APPEL, Chair

## S-5047

### HOUSE AMENDMENT TO SENATE FILE 2062

- 1 Amend Senate File 2062, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 27, by striking <May 28> and  
4 inserting <June 24>
- 5 2. Page 2, line 34, by striking <May 28> and  
6 inserting <June 24>

## S-5048

- 1 Amend Senate File 2237 as follows:
- 2 1. Page 27, by striking lines 20 through 24.  
3 2. By renumbering as necessary.

STEVEN J. SODDERS

## S-5049

- 1 Amend House File 2183, as passed by the House, as  
2 follows:
- 3 1. Page 2, line 26, after <abuse> by inserting <and  
4 gambling treatment>

- 5 2. Page 2, line 28, after <125> by inserting <and  
 6 gambling treatment programs pursuant to chapter 135>  
 7 3. Page 2, by striking line 29 and inserting <any  
 8 other function authorized by chapter 125 or 135 and  
 9 delegated to>

BECKY SCHMITZ

### S-5050

- 1 Amend Senate File 2201 as follows:  
 2 1. Page 14, by striking lines 31 through 33  
 3 and inserting <producer of record of the policy or  
 4 contract.>

BILL HECKROTH

### S-5051

- 1 Amend Senate File 2095 as follows:  
 2 1. Page 1, before line 1 by inserting:  
 3 <Section 1. Section 9E.6A, subsection 1, Code 2009,  
 4 is amended to read as follows:  
 5 1. Each person performing a notarial act pursuant  
 6 to section 9E.10 must acquire and use a stamp or  
 7 seal as provided in this chapter. ~~However, this~~  
 8 ~~section shall not apply to a notarial act performed~~  
 9 ~~by a judicial officer as defined in section 602.1101,~~  
 10 ~~if the notarial act is performed in accordance with~~  
 11 ~~state or federal statutory authority, and shall not~~  
 12 ~~apply to a certification by a chief officer or a chief~~  
 13 ~~officer's designee of a peace officer's verification of~~  
 14 ~~a uniform citation and complaint pursuant to section~~  
 15 ~~805.6, subsection 5.~~  
 16 Sec. \_\_. Section 9E.6A, Code 2009, is amended by  
 17 adding the following new subsection:  
 18 NEW SUBSECTION. 3. This section shall not apply to  
 19 any of the following:  
 20 a. A notarial act performed by a judicial officer  
 21 as defined in section 602.1101, if the notarial act is  
 22 performed in accordance with state or federal statutory  
 23 authority.  
 24 b. A certification by a chief officer or a chief  
 25 officer's designee of a peace officer's verification of  
 26 a uniform citation and complaint pursuant to section  
 27 805.6, subsection 5.  
 28 c. The administration of oaths and the  
 29 acknowledgment of signatures by a peace officer

30 pursuant to section 80.9A, subsection 3, or by a  
31 certified law enforcement officer pursuant to section  
32 817.3.>  
33 2. By renumbering as necessary.

STEVEN J. SODDERS

**S-5052**

1 Amend Senate File 2067 as follows:  
2 1. Page 1, lines 25 and 26, by striking <all  
3 registrations and reports> and inserting <and reports>  
4 2. Page 1, line 31, after <under> by inserting <all  
5 registrations and reports>

WALLY E. HORN

**S-5053**

1 Amend Senate File 2199 as follows:  
2 1. Page 6, after line 15 by inserting:  
3 <Sec. \_\_\_\_ NEW SECTION. 435.26B Affidavit in lieu  
4 of surrender of certificate of title — manufactured and  
5 mobile homes.  
6 1. If there is no record that a certificate of  
7 title has been issued or surrendered for a manufactured  
8 home or mobile home that is located outside a  
9 manufactured home community or mobile home park, that  
10 has been converted to real estate by being placed  
11 on a permanent foundation, and that is entered on  
12 the tax rolls, the owner may effectuate a surrender  
13 of the certificate of title by recording with the  
14 county recorder an affidavit that includes all of the  
15 following:  
16 a. The full legal name, Iowa driver's license  
17 number or Iowa nonoperator's identification card  
18 number, bona fide residence, and mailing address of  
19 the owner, and any other identification information  
20 required by the state department of transportation.  
21 If the owner is a firm, association, or corporation,  
22 the affidavit shall contain the bona fide business  
23 address and federal employer identification number of  
24 the owner.  
25 b. A description of the manufactured or mobile  
26 home including, insofar as the specified data may  
27 exist with respect to a manufactured or mobile home,  
28 the manufacturer, model, year of manufacture, and  
29 identification number or other assigned number.  
30 c. A statement of the affiant's title or ownership  
31 interest and a statement of all liens, encumbrances,  
32 or security interest upon the manufactured or mobile

33 home, including the names and mailing addresses of  
34 all persons having any such liens, encumbrances, or  
35 security interests.

36 d. A statement of any facts or information known to  
37 the affiant that could affect the validity of title or  
38 the existence or validity of any lien, encumbrance, or  
39 security interest on the manufactured or mobile home.

40 e. The name and address of the person from whom the  
41 owner purchased or acquired the manufactured or mobile  
42 home, including information related to the location and  
43 date of purchase or acquisition.

44 f. The affidavit shall also include an attached  
45 written opinion of an attorney licensed in this  
46 state that certifies marketable record title to the  
47 manufactured or mobile home.

48 g. A statement that the manufactured or mobile home  
49 is located outside a manufactured home community or  
50 mobile home park, has been converted to real estate by

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1 being placed on a permanent foundation, and has been  
2 entered on the tax rolls. This statement shall be  
3 endorsed by the city or county assessor, as applicable,  
4 and include the legal description of the real property  
5 upon which the manufactured or mobile home is situated.

6 h. A statement that the owner has made a diligent  
7 search and inquiry but has been unable to locate  
8 and produce a manufacturer's certificate of origin  
9 or a certificate of title for the manufactured or  
10 mobile home and that the owner has no knowledge that  
11 a certificate of title has previously been issued or  
12 surrendered for the manufactured or mobile home.

13 i. (1) An endorsement by the state department  
14 of transportation that the department has searched  
15 its records and has no record of a certificate of  
16 title or a surrender of a certificate of title for the  
17 manufactured or mobile home and that the department  
18 has no record of any ownership interest contrary  
19 to the ownership interest asserted by the affiant.  
20 The endorsement shall also specify that the state  
21 department of transportation is unable to identify any  
22 lien, encumbrance, or security interest contrary to  
23 those specified by the affiant.

24 (2) The state department of transportation shall  
25 not conduct any search of records or provide any  
26 endorsement until the affidavit has been completed,  
27 executed, and endorsed pursuant to paragraphs "a"  
28 through "h" and the affiant has paid a fee not to  
29 exceed two hundred dollars. The state department of  
30 transportation shall set the amount of the fee by rule.

31 (3) Following endorsement of the affidavit, the



32 state department of transportation shall return the  
 33 affidavit to the owner for recording.  
 34 (4) If the state department of transportation  
 35 has endorsed an affidavit, the department shall not  
 36 issue a certificate of title for the manufactured or  
 37 mobile home unless the manufactured or mobile home is  
 38 reconverted under section 435.27.  
 39 2. Recording the affidavit with all necessary  
 40 endorsements and attachments shall establish the  
 41 surrender of the certificate of title.  
 42 3. After the surrender of the certificate of title  
 43 under this section, a conveyance of an interest in  
 44 the manufactured or mobile home shall not require a  
 45 transfer of title if the manufactured or mobile home  
 46 remains located on the same real property that is  
 47 identified in the affidavit under subsection 2.  
 48 4. A foreclosure action on a manufactured or mobile  
 49 home for which the certificate of title was surrendered  
 50 under this section shall be conducted as a real estate

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1 foreclosure.  
 2 5. A tax lien and its priority shall not be  
 3 modified as a result of a surrender of title under this  
 4 section.  
 5 6. The state department of transportation shall  
 6 adopt rules under chapter 17A to implement this  
 7 section. The rules adopted by the state department of  
 8 transportation shall include a standardized form for an  
 9 affidavit required under this section.>  
 10 2. Page 6, after line 23 by inserting:  
 11 <Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT. This Act,  
 12 being deemed of immediate importance, takes effect upon  
 13 enactment.>  
 14 3. Title page, by striking line 4 and inserting  
 15 <home dealers, establishing titling procedures for  
 16 certain manufactured and mobile homes, making penalties  
 17 applicable, and including effective date provisions.>  
 18 4. By renumbering as necessary.

RICH OLIVE

## S-5054

1 Amend House File 2076, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 17, after <15.117A> by inserting  
 4 <and including copies of any documents, reports, or  
 5 plans produced by the council>  
 6 2. By renumbering as necessary.

BILL HECKROTH

**S-5055**

- 1 Amend Senate File 2201 as follows:
- 2 1. Page 12, line 14, after ~~<from>~~ by inserting <the
- 3 carrier.>
- 4 2. Page 12, line 14, by striking ~~<enrollee>~~ and
- 5 inserting <enrollee.>
- 6 3. Page 14, by striking lines 31 through 33
- 7 and inserting <producer of record of the policy or
- 8 contract.>

BILL HECKROTH

**S-5056**

- 1 Amend Senate File 2150 as follows:
- 2 1. Page 3, after line 9 by inserting:
- 3 <Sec. \_\_\_\_ Section 321.184, subsection 2, Code
- 4 Supplement 2009, is amended to read as follows:
- 5 2. Withdrawal of consent. The person who provided
- 6 the signed consent under subsection 1 may withdraw that
- 7 consent at any time. The withdrawal of consent shall
- 8 be in writing, signed and verified. The department,
- 9 upon receipt of the withdrawal of consent, shall cancel
- 10 the applicant's driver's license and shall not issue a
- 11 new license until such time as a new application, duly
- 12 signed and verified by either parent of the applicant,
- 13 the guardian of the applicant, or a person having
- 14 custody of the applicant under chapter 232 or 600A, is
- 15 made as required in this chapter. This subsection does
- 16 not apply if the licensee or permittee has attained the
- 17 age of eighteen years or is married.>
- 18 2. Title page, lines 1 and 2, by striking
- 19 <intermediate driver's licenses and special minor's
- 20 licenses,> and inserting <driver's licenses issued to
- 21 persons under eighteen years of age,>
- 22 3. By renumbering as necessary.

MERLIN BARTZ

**S-5057**

- 1 Amend Senate File 2191 as follows:
- 2 1. By striking page 6, line 9, through page 8, line
- 3 18.
- 4 2. By renumbering as necessary.

ROGER STEWART

**S-5058**

1 Amend Senate File 2340 as follows:  
2 1. Page 11, after line 3 by inserting:  
3 <Sec. \_\_\_\_ Section 252F.3, subsection 5, Code  
4 Supplement 2009, is amended to read as follows:  
5 5. If a timely written response and request for a  
6 court hearing is not received by the unit and a party  
7 does not deny paternity, the administrator shall enter  
8 an order in accordance with section 252F.4.  
9 6. a. If a party contests the establishment of  
10 paternity, the party shall submit, within twenty  
11 days of service of the notice on the party under  
12 subsection 1, a written statement contesting paternity  
13 establishment to the unit. Upon receipt of a written  
14 challenge of paternity establishment, or upon  
15 initiation by the unit, the administrator shall enter  
16 ex parte administrative orders requiring the mother,  
17 child or children involved, and the putative father  
18 to submit to paternity testing. Either the mother  
19 or putative father may contest paternity under this  
20 chapter.  
21 b. The orders shall be filed with the clerk of the  
22 district court in the county where the notice was filed  
23 and have the same force and effect as a court order for  
24 paternity testing.  
25 c. The unit shall issue copies of the respective  
26 administrative orders for paternity testing to the  
27 mother and putative father in person, or by regular  
28 mail to the last known address of each, or if  
29 applicable, to the last known address of the attorney  
30 for each.  
31 d. If a paternity test is ordered under this  
32 section, the administrator shall direct that inherited  
33 characteristics be analyzed and interpreted, and shall  
34 appoint an expert qualified as an examiner of genetic  
35 markers to analyze and interpret the results. The  
36 test shall be of a type generally acknowledged as  
37 reliable by accreditation entities designated by the  
38 secretary of the United States department of health and  
39 human services and shall be performed by a laboratory  
40 approved by an accreditation entity.  
41 e. The party contesting paternity shall be provided  
42 one opportunity to reschedule the paternity testing  
43 appointment if the testing is rescheduled prior to the  
44 date of the originally scheduled appointment.  
45 f. An original copy of the test results shall  
46 be filed with the clerk of the district court in the  
47 county where the notice was filed. The child support  
48 recovery unit shall issue a copy of the filed test  
49 results to each party in person, or by regular mail  
50 to the last known address of each, or if applicable,

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1 to the last known address of the attorney for each.  
2 However, if the action is the result of a request from  
3 a foreign jurisdiction, the unit shall issue a copy of  
4 the results to the initiating agency in that foreign  
5 jurisdiction.  
6 g. Verified documentation of the chain of custody  
7 of the blood or genetic specimens is competent evidence  
8 to establish the chain of custody. The testimony of  
9 the appointed expert is not required. A verified  
10 expert's report of test results which indicate a  
11 statistical probability of paternity is sufficient  
12 authenticity of the expert's conclusion.  
13 h. A verified expert's report shall be admitted as  
14 evidence to establish administrative paternity, and,  
15 if a court hearing is scheduled to resolve the issue  
16 of paternity, shall be admitted as evidence and is  
17 admissible at trial.  
18 i. If the verified expert concludes that the test  
19 results show that the putative father is not excluded  
20 and that the probability of the putative father's  
21 paternity is ninety-five percent or higher, there shall  
22 be a rebuttable presumption that the putative father  
23 is the biological father, and the evidence shall be  
24 sufficient as a basis for administrative establishment  
25 of paternity.  
26 (1) In order to challenge the presumption of  
27 paternity, a party shall file a written notice of the  
28 challenge with the district court within twenty days  
29 from the date the paternity test results are issued or  
30 mailed to all parties by the unit. Any challenge to  
31 a presumption of paternity resulting from paternity  
32 tests, or to paternity test results filed after  
33 the lapse of the twenty-day time frame shall not be  
34 accepted or admissible by the unit or the court.  
35 (2) A copy of the notice challenging the  
36 presumption of paternity shall be provided to any other  
37 party in person, or by mailing the notice to the last  
38 known address of each party, or if applicable, to the  
39 last known address of each party's attorney.  
40 (3) The party challenging the presumption of  
41 paternity has the burden of proving that the putative  
42 father is not the father of the child.  
43 (4) The presumption of paternity may be rebutted  
44 only by clear and convincing evidence.  
45 j. If the verified expert concludes that the  
46 test results indicate that the putative father  
47 is not excluded and that the probability of the  
48 putative father's paternity is less than ninety-five  
49 percent, the administrator shall order a subsequent  
50 administrative paternity test or certify the case to

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1 the district court for resolution in accordance with  
2 the procedures and time frames specified in paragraph  
3 “i” and section 252F.5.

4 k. If the results of the test or the verified  
5 expert’s analysis are timely challenged as provided in  
6 this subsection, the administrator, upon the request  
7 of a party and advance payment by the contestant or  
8 upon the unit’s own initiative, shall order that an  
9 additional test be performed by the same laboratory or  
10 an independent laboratory. If the party requesting  
11 additional testing does not advance payment, the  
12 administrator shall certify the case to the district  
13 court in accordance with paragraph “i” and section  
14 252F.5.

15 l. When a subsequent paternity test is conducted,  
16 the time frames in this chapter associated with  
17 paternity tests shall apply to the most recently  
18 completed test.

19 m. If the paternity test results exclude the  
20 putative father as a potential biological father of  
21 the child or children, and additional tests are not  
22 requested by either party or conducted on the unit’s  
23 initiative, or if additional tests exclude the putative  
24 father as a potential biological father, the unit shall  
25 withdraw its action against the putative father and  
26 shall file a notice of the withdrawal with the clerk  
27 of the district court, and shall provide a copy of the  
28 notice to each party in person, or by regular mail sent  
29 to each party’s last known address, or if applicable,  
30 the last known address of the party’s attorney.

31 n. Except as provided in paragraph “k”, the unit  
32 shall advance the costs of genetic testing. If  
33 paternity is established and paternity testing was  
34 conducted, the unit shall enter an order or, if the  
35 action proceeded to a court hearing, request that the  
36 court enter a judgment for the costs of the paternity  
37 tests consistent with applicable federal law. In a  
38 proceeding under this chapter, a copy of a bill for  
39 genetic testing shall be admitted as evidence without  
40 requiring third-party foundation testimony and shall  
41 constitute prima facie evidence of the amount incurred  
42 for genetic testing.>

43 2. By renumbering as necessary.

COMMITTEE ON JUDICIARY  
KEITH A. KREIMAN, Chair

**S-5059**

1 Amend Senate File 2236 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 15.102, Code Supplement 2009,  
5 is amended by adding the following new subsection:  
6 NEW SUBSECTION. 6A. "Targeted industries" means the  
7 same as defined in section 15.411, subsection 1.

8 Sec. 2. Section 15.104, subsection 8, paragraph 1,  
9 Code Supplement 2009, is amended to read as follows:

10 1. Targeted industries development — ~~financial~~  
11 ~~assistance~~ innovation and commercialization. A  
12 report of the expenditures of moneys appropriated  
13 and allocated to the department for certain programs  
14 authorized pursuant to ~~section~~ sections 15.411  
15 and 15.412 relating to the development and  
16 commercialization of businesses in the targeted  
17 industry areas of advanced manufacturing, bioscience,  
18 and information technology, including a summary of  
19 the activities of the technology commercialization  
20 committee created pursuant to section 15.116 and the  
21 Iowa innovation council established pursuant to section  
22 15.117A.

23 Sec. 3. Section 15.117, Code 2009, is amended to  
24 read as follows:

25 15.117 Chief technology officer.

26 The governor shall appoint a chief technology  
27 officer for the state. The chief technology officer  
28 shall serve a ~~four-year~~ two-year term and shall  
29 have national or international stature as a senior  
30 executive at a technology business in one of the  
31 targeted industries. ~~The chief technology officer~~  
32 ~~shall coordinate the activities of the technology~~  
33 ~~commercialization specialist employed pursuant to~~  
34 ~~section 15.115.~~ ~~The chief technology officer shall~~  
35 ~~serve as a spokesperson for the department for~~  
36 ~~purposes of promoting to private sector businesses the~~  
37 ~~technology commercialization efforts of the department~~  
38 ~~and the research and technology capabilities of~~  
39 ~~institutions of higher learning in the state.~~

40 Sec. 4. NEW SECTION. 15.117A Iowa innovation  
41 council.

42 1. An Iowa innovation council is established  
43 within the department. The department shall provide  
44 the council with staff and administrative support.  
45 The department may expend moneys allocated to the  
46 innovation and commercialization division in order to  
47 provide such support. The department may adopt rules  
48 for the implementation of this section.

49 2. The council shall consist of the following  
50 members:

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- 1 a. Twenty-nine voting members as follows:
- 2 (1) Twenty members selected by the board to serve  
3 staggered, two-year terms beginning and ending as  
4 provided in section 69.19. Of the members selected  
5 by the board, seven shall be representatives from  
6 businesses in the targeted industries and thirteen  
7 shall be individuals who serve on the technology  
8 commercialization committee created in section  
9 15.116, or other committees of the board, and who have  
10 expertise with the targeted industries. At least ten  
11 of the members selected pursuant to this subparagraph  
12 shall be executives actively engaged in the management  
13 of a business in a targeted industry. The members  
14 selected pursuant to this paragraph shall reflect  
15 the size and diversity of businesses in the targeted  
16 industries and of the various geographic areas of the  
17 state.
- 18 (2) One member, selected by the governor, who also  
19 serves on the Iowa capital investment board created in  
20 section 15E.63.
- 21 (3) The director of the department, or the  
22 director's designee.
- 23 (4) The chief technology officer appointed pursuant  
24 to section 15.117.
- 25 (5) The person designated as the chief information  
26 officer pursuant to section 8A.104, subsection 12,  
27 or, if no person has been so designated, the director  
28 of the department of administrative services, or the  
29 director's designee.
- 30 (6) The president of the state university of Iowa,  
31 or the president's designee.
- 32 (7) The president of Iowa state university of  
33 science and technology, or the president's designee.
- 34 (8) The president of the university of northern  
35 Iowa, or the president's designee.
- 36 (9) Two community college presidents from  
37 geographically diverse areas of the state, selected by  
38 the Iowa association of community college trustees.
- 39 b. Four members of the general assembly serving  
40 two-year terms in a nonvoting, ex officio capacity,  
41 with two from the senate and two from the house of  
42 representatives and not more than one member from each  
43 chamber being from the same political party. The two  
44 senators shall be designated one member each by the  
45 president of the senate after consultation with the  
46 majority leader of the senate, and by the minority  
47 leader of the senate. The two representatives shall  
48 be designated one member each by the speaker of the  
49 house of representatives after consultation with the  
50 majority leader of the house of representatives, and by

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1 the minority leader of the house of representatives.  
2 3. To be eligible to serve as a designee pursuant  
3 to subsection 2, a person must have sufficient  
4 authority to make decisions on behalf of the  
5 organization being represented. A person named as a  
6 designee pursuant to subsection 2 shall not name a  
7 designee nor permit a substitute to attend council  
8 meetings.

9 4. The chief technology officer appointed pursuant  
10 to section 15.117 shall be the chairperson of the  
11 council and shall be responsible for convening meetings  
12 of the council and coordinating its activities and  
13 shall convene the council at least annually. The  
14 council shall annually elect one of the voting members  
15 to serve as vice chairperson. A majority of the  
16 members of the council constitutes a quorum. However,  
17 the chief technology officer shall not convene a  
18 meeting of the council unless the director of the  
19 department, or the director's designee, is present at  
20 the meeting.

21 5. The purpose of the council is to advise the  
22 department on the development and implementation  
23 of public policies that enhance innovation and  
24 entrepreneurship in the targeted industries, with a  
25 particular focus on the information, technology, and  
26 skills that increasingly dominate the twenty-first  
27 century economy. Such advice may include evaluating  
28 Iowa's competitive position in the global economy,  
29 reviewing the technology typically utilized in the  
30 state's manufacturing sector, assessing the state's  
31 overall scientific research capacity, keeping abreast  
32 of the latest scientific research and technological  
33 breakthroughs and offering guidance as to their impact  
34 on public policy, recommending strategies that foster  
35 innovation, increase new business formation, and  
36 otherwise promote economic growth in the targeted  
37 industries, and offering guidance about future  
38 developments in the targeted industries.

39 6. The council shall do all of the following:  
40 a. Create a comprehensive strategic plan for  
41 implementing specific policies that further the purpose  
42 of the council as described in subsection 6.  
43 b. Review annually all the economic development  
44 programs administered by the department and the  
45 board that relate to the targeted industries and make  
46 recommendations for adjustments that enhance efficiency  
47 and effectiveness. In reviewing the programs, the  
48 council shall, to the greatest extent possible, utilize  
49 economic development data and research in order to make  
50 objective, fact-based recommendations.



Page 4

- 1 c. Act as a forum where issues affecting the  
 2 research community, the targeted industries, and  
 3 policymakers can be discussed and addressed and where  
 4 collaborative relationships can be formed.  
 5 d. Coordinate state government applications for  
 6 federal funds relating to research and economic  
 7 development affecting the targeted industries.  
 8 e. Conduct industry research and draft documents  
 9 that provide background information for use in decision  
 10 making by the general assembly, the governor, the  
 11 department, and other policymaking bodies within state  
 12 government.>  
 13 2. By renumbering as necessary.

BILL HECKROTH

### S-5060

- 1 Amend Senate File 2150 as follows:  
 2 1. Page 2, lines 3 and 4, by striking  
 3 <~~twelve-thirty a.m. eleven p.m.~~> and inserting  
 4 <twelve-thirty a.m.>  
 5 2. Page 2, lines 18 and 19, by striking  
 6 <~~twelve-thirty a.m. eleven p.m.~~> and inserting  
 7 <twelve-thirty a.m.>  
 8 3. Page 2, line 22, by striking <~~twelve-thirty~~  
 9 ~~a.m. eleven p.m.~~> and inserting <twelve-thirty a.m.>  
 10 4. By renumbering as necessary.

MERLIN BARTZ

### S-5061

- 1 Amend Senate File 2173 as follows:  
 2 1. Page 3, by striking line 32 and inserting:  
 3 <a. ~~Aboveground~~ An individual aboveground tank of  
 4 one thousand one hundred gallons or less capacity or  
 5 a combination of multiple aboveground tanks, of the  
 6 largest of which is one thousand one hundred gallons  
 7 or>

MERLIN BARTZ

### S-5062

- 1 Amend Senate Joint Resolution 2002 as follows:  
 2 1. Page 1, line 17, after <statue,> by inserting  
 3 <transport the replaced statue to the Iowa statehouse,>  
 4 2. Page 2, after line 5 by inserting:  
 5 <Sec. \_\_\_\_ The department of administrative

- 6 services shall provide for a perpetual display of  
 7 the replaced statue at a suitable location within the  
 8 statehouse.>  
 9 3. By renumbering as necessary.

MERLIN BARTZ

**S-5063**

- 1 Amend Senate File 2173 as follows:  
 2 1. Page 1, line 24, after <codes.> by inserting  
 3 <The rules adopted by the fire marshal shall not  
 4 require the installation of fire sprinklers or a  
 5 related fire suppression system in a one-family or  
 6 two-family residential dwelling or a residential  
 7 building that contains no more than four dwelling  
 8 units.>  
 9 2. Page 9, after line 7 by inserting:  
 10 <Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT. This Act,  
 11 being deemed of immediate importance, takes effect upon  
 12 enactment.>  
 13 3. Title page, line 4, after <fees> by inserting  
 14 <and including effective date provisions>  
 15 4. By renumbering as necessary.

MERLIN BARTZ

**S-5064**

- 1 Amend Senate File 2286 as follows:  
 2 1. Page 1, line 5, after <public> by inserting  
 3 <with payment of an admission fee or if a donation is  
 4 requested from those in attendance>  
 5 2. Page 4, line 30, by striking <twenty-one> and  
 6 inserting <eighteen>

WILLIAM A. DOTZLER, JR.

**S-5065**

- 1 Amend Senate File 2181 as follows:  
 2 1. Page 3, by striking lines 23 through 34.

WILLIAM A. DOTZLER, JR.

**S-5066**

- 1 Amend Senate File 2325 as follows:  
 2 1. Page 1, line 5, by striking <of twenty-four> and  
 3 inserting <number of>  
 4 2. Page 1, line 6, after <renewal> by inserting <as

- 5 prescribed by rule>  
6 3. Page 1, by striking lines 7 through 9.

BILL HECKROTH

**S-5067**

- 1 Amend Senate File 2202 as follows:  
2 1. Page 3, line 2, by striking <altered> and  
3 inserting <reconstructed>  
4 2. By striking page 3, line 34, through page 4,  
5 line 1, and inserting:  
6 <A person who denies or interferes with the right of  
7 a deaf or hard-of-hearing person under this section is,  
8 upon conviction, guilty of a simple misdemeanor.>  
9 3. Page 4, by striking lines 23 through 25 and  
10 inserting:  
11 <3. A person who knowingly denies or interferes  
12 with the right of a person under this section is, upon  
13 conviction, guilty of a simple misdemeanor.>

JOE BOLKCOM

**S-5068**

- 1 Amend Senate File 2196 as follows:  
2 1. Page 1 before line 1 by inserting:  
3 <Section 1. Section 48A.8, Code Supplement 2009, is  
4 amended by striking the section and inserting in lieu  
5 thereof the following:  
6 48A.8 Registration by mail.  
7 An eligible elector may register to vote by  
8 completing a mail registration form. The completed  
9 form may be mailed or delivered by the registrant  
10 or the registrant's designee to the commissioner  
11 in the county where the person resides. A separate  
12 registration form shall be signed by each individual  
13 registrant.  
14 Sec. \_\_\_\_ Section 48A.25A, subsection 1, paragraph  
15 a, Code Supplement 2009, is amended to read as follows:  
16 a. Upon receipt of an application for voter  
17 registration, the commissioner of registration shall  
18 compare the Iowa driver's license number, the Iowa  
19 nonoperator's identification card number, or the  
20 last four numerals of the social security number  
21 provided by the registrant with the records of the  
22 state department of transportation. To be verified,  
23 the voter registration record shall contain the same  
24 name, date of birth, and Iowa driver's license number  
25 or Iowa nonoperator's identification card number or  
26 whole or partial social security number as the records  
27 of the state department of transportation. If the

28 information cannot be verified, the application shall  
 29 be recorded and the status of the voter's record shall  
 30 be designated as pending status. ~~The commissioner  
 31 of registration shall notify the applicant that  
 32 the applicant is required to present identification  
 33 described in section 48A.8, subsection 2, before  
 34 voting for the first time in the county.~~ If the  
 35 information can be verified, a record shall be made of  
 36 the verification and the status of the voter's record  
 37 shall be designated as active status.

38 Sec. \_\_\_\_ Section 48A.26, Code Supplement 2009, is  
 39 amended by adding the following new subsection:  
 40 NEW SUBSECTION. 10. An acknowledgment mailed  
 41 pursuant to subsection 2 or 4 shall include a statement  
 42 informing the registered voter that the voter is  
 43 required to show current and valid identification  
 44 before the person will be allowed to vote, and that the  
 45 identification must contain a photograph of the voter  
 46 and a validity expiration date.

47 Sec. \_\_\_\_ Section 48A.27, subsection 4, paragraph  
 48 c, subparagraph (2), Code Supplement 2009, is amended  
 49 to read as follows:

50 (2) The notice shall contain a statement in

Page 2

1 substantially the following form:  
 2 "Information received from the United States postal  
 3 service indicates that you are no longer a resident of,  
 4 and therefore not eligible to vote in (name of county)  
 5 County, Iowa. If this information is not correct,  
 6 and you still live in (name of county) County, please  
 7 complete and mail the attached postage paid card at  
 8 least ten days before the primary or general election  
 9 and at least eleven days before any other election at  
 10 which you wish to vote. If the information is correct  
 11 and you have moved, please contact a local official in  
 12 your new area for assistance in registering there. If  
 13 you do not mail in the card, you may be required to  
 14 show identification to prove residency before being  
 15 allowed to vote in (name of county) County. If you do  
 16 not return the card, and you do not vote in an election  
 17 in (name of county) County, Iowa, on or before (date  
 18 of second general election following the date of the  
 19 notice) your name will be removed from the list of  
 20 voters in that county."

21 Sec. \_\_\_\_ Section 48A.29, subsection 1, paragraph  
 22 b, Code 2009, is amended to read as follows:

23 b. The notice shall contain a statement in  
 24 substantially the following form:

25 "Information received from the United States postal  
 26 service indicates that you are no longer a resident

27 of (residence address) in (name of county) County,  
28 Iowa. If this information is not correct, and you  
29 still live in (name of county) County, please complete  
30 and mail the attached postage paid card at least ten  
31 days before the primary or general election and at  
32 least eleven days before any other election at which  
33 you wish to vote. If the information is correct, and  
34 you have moved, please contact a local official in  
35 your new area for assistance in registering there. If  
36 you do not mail in the card, you may be required to  
37 show identification to prove residency before being  
38 allowed to vote in (name of county) County. If you  
39 do not return the card, and you do not vote in some  
40 election in (name of county) County, Iowa, on or before  
41 (date of second general election following the date of  
42 the notice) your name will be removed from the list of  
43 voters in that county.”

44 Sec. \_\_\_\_ Section 48A.29, subsection 3, paragraph  
45 b, Code 2009, is amended to read as follows:

46 b. The notice shall contain a statement in  
47 substantially the following form:

48 “Information received by this office indicates that  
49 you are no longer a resident of (residence address) in  
50 (name of county) County, Iowa. If the information is

Page 3

1 not correct, and you still live at that address, please  
2 complete and mail the attached postage paid card at  
3 least ten days before the primary or general election  
4 and at least eleven days before any other election at  
5 which you wish to vote. If the information is correct,  
6 and you have moved within the county, you may update  
7 your registration by listing your new address on the  
8 card and mailing it back. If you have moved outside  
9 the county, please contact a local official in your  
10 new area for assistance in registering there. If you  
11 do not mail in the card, you may be required to show  
12 identification to prove residency before being allowed  
13 to vote in (name of county) County. If you do not  
14 return the card, and you do not vote in some election  
15 in (name of county) County, Iowa, on or before (date  
16 of second general election following the date of the  
17 notice) your name will be removed from the list of  
18 registered voters in that county.”

19 Sec. \_\_\_\_ Section 48A.37, subsection 2, Code  
20 Supplement 2009, is amended to read as follows:

21 2. Electronic records shall include a status code  
22 designating whether the records are active, inactive,  
23 incomplete, pending, or canceled. Inactive records  
24 are records of registered voters to whom notices have  
25 been sent pursuant to section 48A.28, subsection 3, and

26 who have not returned the card or otherwise responded  
 27 to the notice, and those records have been designated  
 28 inactive pursuant to section 48A.29. Inactive records  
 29 are also records of registered voters to whom notices  
 30 have been sent pursuant to section 48A.26A and who  
 31 have not responded to the notice. Incomplete records  
 32 are records missing required information pursuant to  
 33 section 48A.11, subsection 8. Pending records are  
 34 records of applicants whose applications have not  
 35 been verified pursuant to section 48A.25A. Canceled  
 36 records are records that have been canceled pursuant to  
 37 section 48A.30. All other records are active records.  
 38 An inactive record shall be made active when the  
 39 registered voter requests an absentee ballot, votes at  
 40 an election, registers again, or reports a change of  
 41 name, address, telephone number, or political party or  
 42 organization affiliation. An incomplete record shall  
 43 be made active when a completed application is received  
 44 from the applicant and verified pursuant to section  
 45 48A.25A. A pending record shall be made active upon  
 46 verification ~~or upon the voter providing identification~~  
 47 ~~pursuant to section 48A.8.~~  
 48 2. Page 4, after line 2 by inserting:  
 49 <Sec. \_\_\_\_ Section 49.77, subsection 3, Code  
 50 Supplement 2009, is amended to read as follows:

Page 4

1 ~~3. a. A precinct election official shall require~~  
 2 ~~any person whose name does not appear on the election~~  
 3 ~~register as an active voter to show identification.~~  
 4 ~~Specific documents which are acceptable forms of~~  
 5 ~~identification shall be prescribed by the state~~  
 6 ~~commissioner.~~  
 7 ~~b. 3. a. A precinct election official~~  
 8 ~~may shall~~ require ~~of that~~ the voter ~~unknown to the~~  
 9 ~~official, identification in the form prescribed by the~~  
 10 ~~state commissioner by rule. produce for inspection~~  
 11 ~~one of the following current and valid forms of~~  
 12 ~~identification if such identification contains the~~  
 13 ~~person's photograph and a validity expiration date:~~  
 14 ~~(a) An out-of-state driver's license or~~  
 15 ~~nonoperator's identification card.~~  
 16 ~~(b) A United States passport.~~  
 17 ~~(c) A United States military identification card.~~  
 18 ~~(d) An identification card issued by an employer.~~  
 19 ~~(e) A student identification card issued by an~~  
 20 ~~Iowa high school or an Iowa postsecondary educational~~  
 21 ~~institution.~~  
 22 ~~b. If identification is established to the~~  
 23 ~~satisfaction of the precinct election officials, the~~  
 24 ~~person may then be allowed to vote.~~

25 Sec. \_\_\_\_ Section 49.77, subsection 4, paragraph a,  
 26 Code Supplement 2009, is amended to read as follows:  
 27 a. A precinct election official shall require any  
 28 person whose name does not appear on the election  
 29 register as an active voter to show identification to  
 30 prove residency in the precinct. Specific documents  
 31 which are acceptable forms of identification under this  
 32 subsection shall be prescribed by rule by the state  
 33 commissioner. A person whose name does not appear on  
 34 the election register of the precinct in which that  
 35 person claims the right to vote shall not be permitted  
 36 to vote, unless the person affirms that the person is  
 37 currently registered in the county and presents proof  
 38 of identity, or the commissioner informs the precinct  
 39 election officials that an error has occurred and that  
 40 the person is a registered voter of that precinct.  
 41 If the commissioner finds no record of the person's  
 42 registration but the person insists that the person  
 43 is a registered voter of that precinct, the precinct  
 44 election officials shall allow the person to cast a  
 45 ballot in the manner prescribed by section 49.81.>  
 46 3. Page 4, lines 11 and 12, by striking <section  
 47 48A.8, subsection 4,> and inserting <section 48A.8,  
 48 subsection 4,>  
 49 4. Page 8, before line 1 by inserting:  
 50 <Sec. \_\_\_\_ Section 53.38, Code 2009, is amended to

Page 5

1 read as follows:  
 2 53.38 What constitutes registration.  
 3 Whenever a ballot is requested pursuant to section  
 4 53.39 or 53.45 on behalf of a voter in the armed  
 5 forces of the United States, the affidavit upon the  
 6 affidavit envelope of such voter, if the voter is found  
 7 to be an eligible elector of the county to which the  
 8 ballot is submitted, shall constitute a sufficient  
 9 registration under chapter 48A. A completed federal  
 10 postcard registration and federal absentee ballot  
 11 request form submitted by such eligible elector shall  
 12 also constitute a sufficient registration under chapter  
 13 48A. The commissioner shall place the voter's name  
 14 on the registration record as a registered voter if  
 15 it does not already appear there. ~~The identification~~  
 16 ~~requirements of section 48A.8 and the verification~~  
 17 requirements of section 48A.25A do not apply to persons  
 18 who register to vote under this division.>

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

**S-5069**

- 1 Amend Senate File 2215 as follows:  
 2 1. Page 2, by striking line 11.  
 3 2. By renumbering as necessary.

DAVID HARTSUCH

**S-5070**

- 1 Amend Senate File 2317 as follows:  
 2 1. Page 1, line 27, by striking <shall> and  
 3 inserting <may>  
 4 2. Page 2, line 8, by striking <both> and inserting  
 5 <both,>  
 6 3. Page 3, line 13, by striking <to> and inserting  
 7 <of>

ROBERT M. HOGG

**S-5071**

- 1 Amend Senate File 2215 as follows:  
 2 1. Page 2, by striking lines 11 through 13 and  
 3 inserting:  
 4 <(6) For the purposes of medical or scientific  
 5 research and education and for the use of medical  
 6 repositories and registries so long as the information  
 7 does not contain personally identifiable information of  
 8 an individual.>

DAVID HARTSUCH

**S-5072**

HOUSE AMENDMENT TO  
 SENATE FILE 2088

- 1 Amend Senate File 2088, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking page 1, line 3, through page 9, line  
 4 34, and inserting:  
 5 Sec. \_\_\_\_ Section 8.6, Code Supplement 2009, is  
 6 amended by adding the following new subsection:



7 NEW SUBSECTION. 17. Provide such assistance and  
8 administrative support services to the information  
9 technology division, created in section 8B.2, as the  
10 department and the division determine maximizes the  
11 efficiency and effectiveness of both the department and  
12 division.

13 Sec. \_\_\_\_ Section 8A.101, unnumbered paragraph 1,  
14 Code 2009, is amended to read as follows:

15 As used in this chapter and chapter 8B, unless the  
16 context otherwise requires:

17 Sec. \_\_\_\_ Section 8A.104, subsection 12, Code 2009,  
18 is amended by striking the subsection.

19 Sec. \_\_\_\_ Section 8A.111, subsections 3, 4, and 5,  
20 Code 2009, are amended by striking the subsections.

#### 21 SUBCHAPTER I

#### 22 ADMINISTRATION — GENERAL PROVISIONS

23 Sec. \_\_\_\_ NEW SECTION. 8B.1 Definitions.

24 As used in this chapter, unless the context  
25 otherwise requires:

26 1. “Council” means the technology advisory council  
27 created in section 8B.8.

28 2. “Division” means the information technology  
29 division of the department of management.

30 3. “Information technology” means computing and  
31 electronics applications used to process and distribute  
32 information in digital and other forms and includes  
33 information technology devices, information technology  
34 services, infrastructure services, and value added  
35 services.

36 4. “Information technology device” means equipment  
37 or associated software, including programs, languages,  
38 procedures, or associated documentation, used  
39 in operating the equipment which is designed for  
40 utilizing information stored in an electronic format.

41 “Information technology device” includes but is not  
42 limited to computer systems, computer networks, and  
43 equipment used for input, output, processing, storage,  
44 display, scanning, and printing.

45 5. “Information technology services” means services  
46 designed to do any of the following:

47 a. Provide functions, maintenance, and support of  
48 information technology devices.

49 b. Provide services including but not limited to  
50 any of the following:

Page 2

1 (1) Computer systems application development and  
2 maintenance.

3 (2) Systems integration and interoperability.

4 (3) Operating systems maintenance and design.

5 (4) Computer systems programming.

- 6 (5) Computer systems software support.  
7 (6) Planning and security relating to information  
8 technology devices.  
9 (7) Data management consultation.  
10 (8) Information technology education and  
11 consulting.  
12 (9) Information technology planning and standards.  
13 (10) Establishment of workstation management  
14 standards.  
15 6. "Infrastructure services" includes all of the  
16 following:  
17 a. Data centers used to support mainframe and other  
18 computers and their associated components including  
19 servers, information networks, storage systems,  
20 redundant or backup power systems, redundant data  
21 communications connections, environmental controls, and  
22 security devices.  
23 b. Servers, mainframes, or other centralized  
24 processing systems.  
25 c. Storage systems, including but not limited to  
26 disk, tape, optical, and other structured repositories  
27 for storing digital information.  
28 d. Computer networks commonly referred to as local  
29 area networks.  
30 e. Network services, including equipment and  
31 software which support local area networks, campus  
32 area networks, wide area networks and metro area  
33 networks. Network services also include data network  
34 services such as routers, switches, firewalls, virtual  
35 private networks, intrusion detection systems, access  
36 control, internet protocol load balancers, event  
37 logging and correlation, and content caching. Network  
38 services do not include services provided by the Iowa  
39 communications network pursuant to chapter 8D or by  
40 the public broadcasting division of the department of  
41 education.  
42 f. Groupware applications used to facilitate  
43 collaboration, communication, and workflow, including  
44 electronic mail, directory services, calendaring and  
45 scheduling, and imaging systems.  
46 g. Information technology help desk services.  
47 h. Cyber security functions and equipment.  
48 i. Digital printing and printing procurement  
49 services.  
50 j. Data warehouses, including services that assist

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- 1 in managing and locating digital information.  
2 k. Disaster recovery technology and services.  
3 l. Other similar or related services as determined  
4 by the chief information officer.

5 7. "Participating agency" means any state agency,  
6 except the state board of regents and institutions  
7 operated under the authority of the state board of  
8 regents.

9 8. "Value-added services" means services that  
10 offer or provide unique, special, or enhanced value,  
11 benefits, or features to the customer or user including  
12 but not limited to services in which information  
13 technology is specially designed, modified, or adapted  
14 to meet the special or requested needs of the user or  
15 customer; services involving the delivery, provision,  
16 or transmission of information or data that require or  
17 involve additional processing, formatting, enhancement,  
18 compilation, or security; services that provide the  
19 customer or user with enhanced accessibility, security,  
20 or convenience; research and development services; and  
21 services that are provided to support technological  
22 or statutory requirements imposed on participating  
23 agencies and other governmental entities, businesses,  
24 and the public.

25 Sec. \_\_. NEW SECTION. 8B.2 Division created —  
26 chief information officer appointed.

27 1. The information technology division is created  
28 as an independent office within the department  
29 of management. The division is to be headed and  
30 administered by the chief information officer for  
31 the state. The chief information officer shall be  
32 appointed by the governor to serve at the pleasure of  
33 the governor and is subject to confirmation by the  
34 senate. If the office becomes vacant, the vacancy  
35 shall be filled in the same manner as provided for the  
36 original appointment.

37 2. The person appointed as the chief information  
38 officer for the state shall be professionally qualified  
39 by education and have no less than five years'  
40 experience in the field of information technology, and  
41 a working knowledge of financial management. The chief  
42 information officer shall not be a member of any local,  
43 state, or national committee of a political party,  
44 an officer or member of a committee in any partisan  
45 political club or organization, or hold or be a  
46 candidate for a paid elective public office. The chief  
47 information officer is subject to the restrictions on  
48 political activity provided in section 8A.416 and shall  
49 not serve as an employee in any other executive branch  
50 agency.

Page 4

1 Sec. \_\_. NEW SECTION. 8B.3 Division — purpose —  
2 mission.

3 1. The division is created for the purpose of

4 managing and coordinating the major information  
5 technology resources of state government.  
6 2. The mission of the division is to provide high  
7 quality, customer focused information technology  
8 services and business solutions to government and to  
9 citizens.  
10 Sec. \_\_\_\_ NEW SECTION. 8B.4 Powers and duties of  
11 the chief information officer.  
12 The chief information officer shall do all of the  
13 following:  
14 1. Coordinate the internal operations of  
15 the division and develop and implement policies  
16 and procedures designed to ensure the efficient  
17 administration of the division.  
18 2. Appoint all personnel deemed necessary for the  
19 administration of the division's functions as provided  
20 in this chapter.  
21 3. Prepare an annual budget for the division.  
22 4. Develop and recommend legislative proposals  
23 deemed necessary for the continued efficiency of the  
24 division's functions, and review legislative proposals  
25 generated outside the division which are related to  
26 matters within the division's purview.  
27 5. Adopt rules deemed necessary for the  
28 administration of this chapter in accordance with  
29 chapter 17A.  
30 6. Prescribe and adopt information technology  
31 standards and rules.  
32 7. Develop and recommend legislative proposals  
33 deemed necessary for the continued efficiency of  
34 the division in performing information technology  
35 functions, and review legislative proposals generated  
36 outside of the division which are related to matters  
37 within the division's purview.  
38 8. Provide advice to the governor on issues related  
39 to information technology.  
40 9. Consult with agencies and other governmental  
41 entities on issues relating to information technology.  
42 10. Work with all governmental entities in an  
43 effort to achieve the information technology goals  
44 established by the division.  
45 11. Utilize, in a manner determined by the chief  
46 information officer, such assistance and administrative  
47 support services as provided by the department of  
48 management as the division determines maximizes the  
49 efficiency and effectiveness of the division.  
50 12. Enter into contracts for the receipt and

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1 provision of services as deemed necessary. The chief  
2 information officer and the governor may obtain and

3 accept grants and receipts to or for the state to be  
4 used for the administration of the division's functions  
5 as provided in this chapter.

6 13. Exercise and perform such other powers and  
7 duties as may be prescribed by law.

8 Sec. \_\_\_\_ NEW SECTION. 8B.5 Prohibited interests —  
9 penalty.

10 The chief information officer shall not have any  
11 pecuniary interest, directly or indirectly, in any  
12 contract for supplies furnished to the state, or in any  
13 business enterprise involving any expenditure by the  
14 state. A violation of the provisions of this section  
15 is a serious misdemeanor, and upon conviction, the  
16 chief information officer shall be removed from office  
17 in addition to any other penalty.

18 Sec. \_\_\_\_ NEW SECTION. 8B.6 Acceptance of funds.

19 The division may receive and accept donations,  
20 grants, gifts, and contributions in the form of moneys,  
21 services, materials, or otherwise, from the United  
22 States or any of its agencies, from this state or any  
23 of its agencies, or from any other person, and may use  
24 or expend such moneys, services, materials, or other  
25 contributions, or issue grants, in carrying out the  
26 operations of the division. All federal grants to and  
27 the federal receipts of the division are appropriated  
28 for the purpose set forth in such federal grants  
29 or receipts. The division shall report annually to  
30 the general assembly on or before September 1 the  
31 donations, grants, gifts, and contributions with a  
32 monetary value of one thousand dollars or more that  
33 were received during the most recently concluded fiscal  
34 year.

35 Sec. \_\_\_\_ NEW SECTION. 8B.7 Federal funds.

36 1. Neither the provisions of this chapter nor  
37 rules adopted pursuant to this chapter shall apply  
38 in any situation where such provision or rule is in  
39 conflict with a governing federal regulation or where  
40 the provision or rule would jeopardize the receipt of  
41 federal funds.

42 2. If it is determined by the attorney general that  
43 any provision of this chapter would cause denial of  
44 funds or services from the United States government  
45 which would otherwise be available to an agency of this  
46 state, such provision shall be suspended as to such  
47 agency, but only to the extent necessary to prevent  
48 denial of such funds or services.

49 Sec. \_\_\_\_ NEW SECTION. 8B.8 Technology advisory  
50 council.

Page 6

- 1 1. Definitions. For purposes of this section,
- 2 unless the context otherwise requires:
  - 3 a. "Large agency" means a participating agency
  - 4 with more than seven hundred full-time, year-round
  - 5 employees.
  - 6 b. "Medium-sized agency" means a participating
  - 7 agency with at least seventy or more full-time,
  - 8 year-round employees, but not more than seven hundred
  - 9 permanent employees.
  - 10 c. "Small agency" means a participating agency with
  - 11 less than seventy full-time, year-round employees.
- 12 2. Membership.
  - 13 a. The technology advisory council is composed of
  - 14 ten members as follows:
    - 15 (1) The chief information officer.
    - 16 (2) The director of the department of management,
    - 17 or the director's designee.
    - 18 (3) Eight members appointed by the governor as
    - 19 follows:
      - 20 (a) Three representatives from large agencies.
      - 21 (b) Two representatives from medium-sized agencies.
      - 22 (c) One representative from a small agency.
      - 23 (d) Two public members who are knowledgeable and
      - 24 have experience in information technology matters.
    - 25 b. (1) Members appointed pursuant to paragraph
    - 26 "a", subparagraph (3), shall serve two-year staggered
    - 27 terms. The division shall provide, by rule, for
    - 28 the commencement of the term of membership for the
    - 29 nonpublic members. The terms of the public members
    - 30 shall be staggered at the discretion of the governor.
    - 31 (2) Sections 69.16, 69.16A, and 69.19 shall apply
    - 32 to the public members of the council.
    - 33 (3) Public members appointed by the governor are
    - 34 subject to senate confirmation.
    - 35 (4) Public members appointed by the governor may be
    - 36 eligible to receive compensation as provided in section
    - 37 7E.6.
    - 38 (5) Members shall be reimbursed for actual and
    - 39 necessary expenses incurred in performance of the
    - 40 members' duties.
    - 41 (6) A director, deputy director, or employee
    - 42 with information technology expertise of an agency
    - 43 is preferred as an appointed representative for each
    - 44 of the agency categories of membership pursuant to
    - 45 paragraph "a", subparagraph (3).
    - 46 c. The technology advisory council annually shall
    - 47 elect a chair and a vice chair from among the members
    - 48 of the council, by majority vote, to serve one-year
    - 49 terms.
    - 50 d. A majority of the members of the council shall

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1 constitute a quorum.

2 e. Meetings of the council shall be held at the  
3 call of the chairperson or at the request of three  
4 members.

5 3. Powers and duties of the council. The powers  
6 and duties of the technology advisory council as they  
7 relate to information technology services shall include  
8 but are not limited to all of the following:

9 a. Advise the chief information officer in  
10 developing and adopting information technology  
11 standards pursuant to sections 8B.4 and 8B.23  
12 applicable to all agencies.

13 b. Make recommendations to the chief information  
14 officer regarding all of the following:

15 (1) Technology utility services to be implemented  
16 by the division.

17 (2) Improvements to information technology service  
18 levels and modifications to the business continuity  
19 plan for information technology operations developed by  
20 the division for agencies, and to maximize the value of  
21 information technology investments by the state.

22 (3) Technology initiatives for the executive  
23 branch.

24 c. Advise the division regarding rates to be  
25 charged for access to and for value-added services  
26 performed through IowaAccess.

27 Sec. \_\_. NEW SECTION. 8B.9 Reports required.

28 The division shall provide all of the following  
29 reports:

30 1. An annual report of the division.

31 2. Internal service fund service business plans  
32 and financial reports as required under section 8B.13,  
33 subsection 5, paragraph "a", and an annual internal  
34 service fund expenditure report as required under  
35 section 8B.13, subsection 5, paragraph "b".

36 3. An annual report regarding total spending on  
37 technology as required under section 8B.21, subsection  
38 6.

39 4. A technology audit of the electronic  
40 transmission system as required under section 8B.33.

41 5. An annual report of expenditures from the  
42 IowaAccess revolving fund as provided in section 8B.34.

#### 43 SUBCHAPTER II

#### 44 SERVICES — PROVISION AND FUNDING

45 Sec. \_\_. NEW SECTION. 8B.11 Financing division  
46 services.

47 1. The division shall establish a process by which  
48 the division shall determine which services provided  
49 by the division shall be funded by an appropriation to  
50 the division and which services shall be funded by the

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1 governmental entity receiving the service.

2 2. a. For services which the division determines  
3 shall be funded by the governmental entity receiving  
4 the service, the division shall establish a process  
5 for determining whether the division shall be the sole  
6 provider of the service.

7 b. If the division determines that it shall be  
8 the sole provider of a service, the division shall  
9 establish a procedure for resolving complaints  
10 concerning the service provided and shall set rates for  
11 the service as provided in section 8B.21.

12 3. The division shall annually prepare a listing  
13 separately identifying services to be provided by the  
14 division and funded by an appropriation, services  
15 to be provided by the division and funded by the  
16 governmental entity receiving the service, and services  
17 which the division is authorized to provide but which  
18 governmental entities may provide on their own or  
19 obtain from another provider of the service.

20 Sec. \_\_. NEW SECTION. 8B.12 Services to  
21 governmental entities and nonprofit organizations.

22 1. The chief information officer shall enter  
23 into agreements with state agencies, and may enter  
24 into agreements with any other governmental entity  
25 or a nonprofit organization, to furnish services  
26 and facilities of the division to the applicable  
27 governmental entity or nonprofit organization. The  
28 agreement shall provide for the reimbursement to the  
29 division of the reasonable cost of the services and  
30 facilities furnished. All governmental entities  
31 of this state may enter into such agreements. For  
32 purposes of this subsection, "nonprofit organization"  
33 means a nonprofit entity which is exempt from federal  
34 income taxation pursuant to section 501(c)(3) of the  
35 Internal Revenue Code and which is funded in whole or  
36 in part by public funds.

37 2. This chapter does not affect any city civil  
38 service programs established under chapter 400.

39 3. The state board of regents shall not be required  
40 to obtain any service for the state board of regents or  
41 any institution under the control of the state board  
42 of regents that is provided by the division pursuant  
43 to this chapter without the consent of the state board  
44 of regents.

45 Sec. \_\_. NEW SECTION. 8B.13 Division internal  
46 service funds.

47 1. Activities of the division shall be accounted  
48 for within the general fund of the state, except  
49 that the chief information officer may establish and  
50 maintain internal service funds in accordance with



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1 generally accepted accounting principles, as defined  
2 in section 8.57, subsection 5, for activities of the  
3 division which are primarily funded from billings to  
4 governmental entities for services rendered by the  
5 division. The establishment of an internal service  
6 fund is subject to the approval of the director of the  
7 department of management and the concurrence of the  
8 auditor of state. At least ninety days prior to the  
9 establishment of an internal service fund pursuant  
10 to this section, the chief information officer shall  
11 notify in writing the general assembly, including the  
12 legislative council, legislative fiscal committee, and  
13 the legislative services agency.

14 2. Internal service funds shall be administered by  
15 the division and shall consist of moneys collected by  
16 the division from billings issued in accordance with  
17 section 8B.15 and any other moneys obtained or accepted  
18 by the division, including but not limited to gifts,  
19 loans, donations, grants, and contributions, which are  
20 designated to support the activities of the individual  
21 internal service funds. The chief information officer  
22 may obtain loans from the innovations fund created in  
23 section 8.63 for deposit in an internal service fund  
24 established pursuant to this section to provide seed  
25 and investment capital to enhance the delivery of  
26 services provided by the division.

27 3. The proceeds of an internal service fund  
28 established pursuant to this section shall be used  
29 by the division for the operations of the division  
30 consistent with this chapter. The chief information  
31 officer may appoint the personnel necessary to ensure  
32 the efficient provision of services funded pursuant  
33 to an internal service fund established under this  
34 section. However, this usage requirement shall not  
35 limit or restrict the division from using proceeds from  
36 gifts, loans, donations, grants, and contributions  
37 in conformance with any conditions, directions,  
38 limitations, or instructions attached or related  
39 thereto.

40 4. Section 8.33 does not apply to any moneys in  
41 internal service funds established pursuant to this  
42 section. Notwithstanding section 12C.7, subsection 2,  
43 interest or earnings on moneys deposited in these funds  
44 shall be credited to these funds.

45 5. a. The chief information officer shall annually  
46 provide internal service fund service business plans  
47 and financial reports to the department of management  
48 and the general assembly. The business plans may  
49 include the recommendation that a portion of unexpended  
50 net income be periodically returned to the appropriate

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1 funding source.

2 b. The division shall submit an annual report not  
3 later than October 1 to the members of the general  
4 assembly and the legislative services agency of the  
5 activities funded by and expenditures made from an  
6 internal service fund established pursuant to this  
7 section during the preceding fiscal year.

8 Sec. \_\_\_\_ NEW SECTION. 8B.14 Additional personnel.

9 The division may employ, upon the approval of the  
10 department of management, additional personnel in  
11 excess of the number of full time equivalent positions  
12 authorized by the general assembly if such additional  
13 personnel are reasonable and necessary to perform such  
14 duties as required to meet the needs of the division  
15 to provide services to other governmental entities and  
16 as authorized by this chapter. The chief information  
17 officer shall notify in writing the department of  
18 management, the legislative fiscal committee, and the  
19 legislative services agency of any additional personnel  
20 employed pursuant to this section.

21 Sec. \_\_\_\_ NEW SECTION. 8B.15 Billing — credit  
22 card payments.

23 1. The chief information officer may bill a  
24 governmental entity for services rendered by the  
25 division in accordance with the duties of the division  
26 as provided in this chapter. Bills may include  
27 direct, indirect, and developmental costs which have  
28 not been funded by an appropriation to the division.  
29 The division shall periodically render a billing  
30 statement to a governmental entity outlining the cost  
31 of services provided to the governmental entity. The  
32 amount indicated on the statement shall be paid by  
33 the governmental entity and amounts received by the  
34 division shall be considered repayment receipts as  
35 defined in section 8.2, and deposited into the accounts  
36 of the division.

37 2. In addition to other forms of payment, a person  
38 may pay by credit card for services provided by the  
39 division, according to rules adopted by the treasurer  
40 of state. The credit card fees to be charged shall  
41 not exceed those permitted by statute. A governmental  
42 entity may adjust its payment to reflect the costs of  
43 processing as determined by the treasurer of state.  
44 The discount charged by the credit card issuer may  
45 be included in determining the fees to be paid for  
46 completing a financial transaction under this section  
47 by using a credit card. All credit card payments  
48 shall be credited to the fund used to account for the  
49 services provided.

50 Sec. \_\_\_\_ NEW SECTION. 8B.16 Division debts and

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1 liabilities — appropriation request.

2 If a service provided by the division and funded  
3 from an internal service fund established under  
4 section 8B.13 ceases to be provided and insufficient  
5 funds remain in the internal service fund to pay any  
6 outstanding debts and liabilities relating to that  
7 service, the chief information officer shall notify  
8 the general assembly and request that moneys be  
9 appropriated from the general fund of the state to pay  
10 such debts and liabilities.

### 11 SUBCHAPTER III

#### 12 INFORMATION TECHNOLOGY

13 Sec. \_\_. NEW SECTION. 8B.21 Information  
14 technology services — division powers and duties —  
15 responsibilities.

16 1. Powers and duties of division. The powers and  
17 duties of the division as it relates to information  
18 technology services shall include but are not limited  
19 to all of the following:

20 a. Providing information technology to agencies and  
21 other governmental entities.

22 b. Implementing the strategic information  
23 technology plan.

24 c. Developing and implementing a business  
25 continuity plan, as the chief information officer  
26 determines is appropriate, to be used if a disruption  
27 occurs in the provision of information technology to  
28 participating agencies and other governmental entities.

29 d. Prescribing standards and adopting rules  
30 relating to information technology and procurement,  
31 including but not limited to system design and systems  
32 integration and interoperability, which shall apply  
33 to all participating agencies except as otherwise  
34 provided in this chapter. The division shall implement  
35 information technology standards as established  
36 pursuant to this chapter which are applicable to  
37 information technology procurements for participating  
38 agencies.

39 e. Developing and maintaining security policies  
40 and systems to ensure the integrity of the state's  
41 information resources and to prevent the disclosure of  
42 confidential records.

43 f. Developing and implementing effective and  
44 efficient strategies for the use and provision of  
45 information technology for participating agencies and  
46 other governmental entities.

47 g. Coordinating and managing the acquisition of  
48 information technology services by participating  
49 agencies in furtherance of the purposes of this  
50 chapter. The division shall institute procedures to

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1 ensure effective and efficient compliance with the  
2 applicable standards established pursuant to this  
3 chapter.

4 h. Entering into contracts, leases, licensing  
5 agreements, royalty agreements, marketing agreements,  
6 memorandums of understanding, or other agreements as  
7 necessary and appropriate to administer this chapter.

8 i. Requesting that a participating agency provide  
9 such information as is necessary to establish and  
10 maintain an inventory of information technology used by  
11 participating agencies, and such participating agency  
12 shall provide such information to the division in a  
13 timely manner. The form and content of the information  
14 to be provided shall be determined by the division.

15 j. Charging reasonable fees, costs, expenses,  
16 charges, or other amounts to an agency, governmental  
17 entity, public official, or person or entity related to  
18 the provision, sale, use, or utilization of, or cost  
19 sharing with respect to, information technology and  
20 any intellectual property interests related thereto;  
21 research and development; proprietary hardware,  
22 software, and applications; and information technology  
23 architecture and design. The division may enter into  
24 nondisclosure agreements and take any other legal  
25 action reasonably necessary to secure a right to an  
26 interest in information technology development by  
27 or on behalf of the state of Iowa and to protect the  
28 state of Iowa's proprietary information technology  
29 and intellectual property interests. The provisions  
30 of chapter 23A relating to noncompetition by state  
31 agencies and political subdivisions with private  
32 enterprise shall not apply to division activities  
33 authorized under this paragraph.

34 k. Charging reasonable fees, costs, expenses,  
35 charges, or other amounts to an agency, governmental  
36 entity, public official, or other person or entity to  
37 or for whom information technology or other services  
38 have been provided by or on behalf of, or otherwise  
39 made available through, the division.

40 l. Providing, selling, leasing, licensing,  
41 transferring, or otherwise conveying or disposing of  
42 information technology, or any intellectual property  
43 or other rights with respect thereto, to agencies,  
44 governmental entities, public officials, or other  
45 persons or entities.

46 m. Entering into partnerships, contracts, leases,  
47 or other agreements with public and private entities  
48 for the evaluation and development of information  
49 technology pilot projects.

50 n. Initiating and supporting the development

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1 of electronic commerce, electronic government, and  
2 internet applications across participating agencies and  
3 in cooperation with other governmental entities. The  
4 division shall foster joint development of electronic  
5 commerce and electronic government involving the  
6 public and private sectors, develop customer surveys  
7 and citizen outreach and education programs and  
8 material, and provide for citizen input regarding the  
9 state's electronic commerce and electronic government  
10 applications.

11 2. Responsibilities. The responsibilities of  
12 the division as it relates to information technology  
13 services include the following:

14 a. Coordinate the activities of the division in  
15 promoting, integrating, and supporting information  
16 technology in all business aspects of state government.

17 b. Provide for server systems, including mainframe  
18 and other server operations, desktop support, and  
19 applications integration.

20 c. Provide applications development, support, and  
21 training, and advice and assistance in developing and  
22 supporting business applications throughout state  
23 government.

24 3. Information technology charges. The division  
25 shall render a statement to an agency, governmental  
26 entity, public official, or other person or entity  
27 to or for whom information technology, value added  
28 services, or other items or services have been provided  
29 by or on behalf of, or otherwise made available  
30 through, the division. Such an agency, governmental  
31 entity, public official, or other person or entity  
32 shall pay an amount indicated on such statement in a  
33 manner determined by the division.

34 4. Dispute resolution. If a dispute arises between  
35 the division and an agency for which the division  
36 provides or refuses to provide information technology,  
37 the dispute shall be resolved as provided in section  
38 679A.19.

39 5. Waivers. a. The division shall adopt rules  
40 allowing for participating agencies to seek a temporary  
41 or permanent waiver from any of the requirements  
42 of this subchapter concerning the acquisition,  
43 utilization, or provision of information technology.  
44 The rules shall provide that a waiver may be granted  
45 upon a written request by a participating agency and  
46 approval of the chief information officer. A waiver  
47 shall only be approved if the participating agency  
48 shows that a waiver would be in the best interests of  
49 the state.

50 b. Prior to approving or denying a request for a

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- 1 waiver, the chief information officer shall consider  
2 all of the following:
- 3 (1) Whether the failure to grant a waiver would  
4 violate any state or federal law; or any published  
5 policy, standard, or requirement established by a  
6 governing body other than the department.
- 7 (2) Whether the failure to start a waiver would  
8 result in the duplication of existing services,  
9 resources, or support.
- 10 (3) Whether the waiver would obstruct the state's  
11 information technology strategic plan, enterprise  
12 architecture, security plans, or any other information  
13 technology policy, standard, or requirement.
- 14 (4) Whether the waiver would result in excessive  
15 expenditures or expenditures above market rates.
- 16 (5) The life cycle of the system or application for  
17 which the waiver is requested.
- 18 (6) Whether the participating agency can show that  
19 it can obtain or provide the information technology  
20 more economically than the information technology  
21 can be provided by the department. For purposes of  
22 determining if the participating agency can obtain or  
23 provide the information technology more economically,  
24 the chief information officer shall consider the  
25 impact on other participating agencies if the waiver is  
26 approved or denied.
- 27 (7) Whether the failure to grant a waiver would  
28 jeopardize federal funding.
- 29 c. Rules adopted pursuant to this subsection  
30 relating to a request for a waiver, at a minimum, shall  
31 provide for all of the following:
- 32 (1) The request shall be in writing and signed  
33 by the head of the participating agency seeking the  
34 waiver.
- 35 (2) The request shall include a reference to the  
36 specific policy, standard, or requirement for which the  
37 waiver is submitted.
- 38 (3) The request shall include a statement of  
39 facts including a description of the problem or issue  
40 prompting the request; the participating agency's  
41 preferred solution; an alternative approach to be  
42 implemented by the participating agency intended to  
43 satisfy the waived policy, standard, or requirement;  
44 the business case for the alternative approach; the  
45 economic justification for the waiver or a statement  
46 as to why the waiver is in the best interests of  
47 the state; the time period for which the waiver  
48 is requested; and any other information deemed  
49 appropriate.
- 50 d. A participating agency may appeal the decision

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1 of the chief information officer to the director of  
2 the department of management within seven calendar  
3 days following the decision of the chief information  
4 officer. The director of the department of management,  
5 after consultation with the technology advisory  
6 council, shall respond within fourteen days following  
7 the receipt of the appeal.

8 e. The department of public defense, including both  
9 the military division and the homeland security and  
10 emergency management division, shall not be required to  
11 obtain any information technology services pursuant to  
12 this subchapter for the department of public defense  
13 or its divisions that is provided by the department of  
14 management pursuant to this chapter without the consent  
15 of the adjutant general.

16 6. Annual report. On an annual basis, prepare a  
17 report to the governor, the department of management,  
18 and the general assembly regarding the total spending  
19 on technology for the previous fiscal year, the total  
20 amount appropriated for the current fiscal year, and  
21 an estimate of the amount to be requested for the  
22 succeeding fiscal year for all agencies. The report  
23 shall include a five year projection of technology cost  
24 savings, an accounting of the level of technology cost  
25 savings for the current fiscal year, and a comparison  
26 of the level of technology cost savings for the current  
27 fiscal year with that of the previous fiscal year.  
28 This report shall be filed as soon as possible after  
29 the close of a fiscal year, and by no later than the  
30 second Monday of January of each year.

31 Sec. \_\_\_\_ NEW SECTION. 8B.22 Digital government.

32 1. The division is responsible for initiating and  
33 supporting the development of electronic commerce,  
34 electronic government, and internet applications across  
35 participating agencies and in cooperation with other  
36 governmental entities.

37 2. In developing the concept of digital  
38 government, the division shall do all of the following:

39 a. Establish standards, consistent with other state  
40 law, for the implementation of electronic commerce,  
41 including standards for electronic signatures,  
42 electronic currency, and other items associated with  
43 electronic commerce.

44 b. Establish guidelines for the appearance and  
45 functioning of applications.

46 c. Establish standards for the integration of  
47 electronic data across state agencies.

48 d. Foster joint development of electronic commerce  
49 and electronic government involving the public and  
50 private sectors.

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1 e. Develop customer surveys and citizen outreach  
2 and education programs and material, and provide for  
3 citizen input regarding the state's electronic commerce  
4 and electronic government applications.

5 f. Assist participating agencies in converting  
6 printed government materials to electronic materials  
7 which can be accessed through an internet searchable  
8 database.

9 g. Encourage participating agencies to utilize  
10 a print on demand strategy to reduce publication  
11 overruns, excessive inventory, and obsolete printed  
12 materials.

13 Sec. \_\_. NEW SECTION. 8B.23 Information  
14 technology standards.

15 1. The division, after consultation with the  
16 council, shall develop and adopt information technology  
17 standards applicable to the procurement of information  
18 technology by all participating agencies. Such  
19 standards, unless waived by the division, shall  
20 apply to all information technology procurements for  
21 participating agencies.

22 2. The office of the governor or the office of  
23 an elective constitutional or statutory officer  
24 shall consult with the division prior to procuring  
25 information technology and consider the information  
26 technology standards adopted by the division, and  
27 provide a written report to the division relating to  
28 the office's decision regarding such acquisitions.

29 Sec. \_\_. NEW SECTION. 8B.24 Procurement of  
30 information technology.

31 1. Standards established by the division, unless  
32 waived by the division, shall apply to all information  
33 technology procurements for participating agencies.

34 2. The division shall institute procedures to  
35 ensure effective and efficient compliance with  
36 standards established by the division.

37 3. The division shall develop policies and  
38 procedures that apply to all information technology  
39 goods and services acquisitions, and shall ensure the  
40 compliance of all participating agencies. The division  
41 shall also be the sole provider of infrastructure  
42 services for participating agencies.

43 4. The division, by rule, may implement a  
44 prequalification procedure for contractors with which  
45 the division has entered or intends to enter into  
46 agreements regarding the procurement of information  
47 technology.

48 5. Notwithstanding the provisions governing  
49 purchasing as provided in chapter 8A, subchapter III,  
50 the division may procure information technology as



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1 provided in this section. The division may cooperate  
2 with other governmental entities in the procurement  
3 of information technology in an effort to make such  
4 procurements in a cost-effective, efficient manner as  
5 provided in this section. The division, as deemed  
6 appropriate and cost-effective, may procure information  
7 technology using any of the following methods:

8 a. Cooperative procurement agreement. The division  
9 may enter into a cooperative procurement agreement with  
10 another governmental entity relating to the procurement  
11 of information technology, whether such information  
12 technology is for the use of the division or other  
13 governmental entities. The cooperative procurement  
14 agreement shall clearly specify the purpose of the  
15 agreement and the method by which such purpose will be  
16 accomplished. Any power exercised under such agreement  
17 shall not exceed the power granted to any party to the  
18 agreement.

19 b. Negotiated contract. The division may enter into  
20 an agreement for the purchase of information technology  
21 if any of the following applies:

22 (1) The contract price, terms, and conditions are  
23 pursuant to the current federal supply contract, and  
24 the purchase order adequately identifies the federal  
25 supply contract under which the procurement is to be  
26 made.

27 (2) The contract price, terms, and conditions  
28 are no less favorable than the contractor's current  
29 federal supply contract price, terms, and conditions;  
30 the contractor has indicated in writing a willingness  
31 to extend such price, terms, and conditions to the  
32 division; and the purchase order adequately identifies  
33 the contract relied upon.

34 (3) The contract is with a vendor which has a  
35 current exclusive or nonexclusive price agreement  
36 with the state for the information technology to be  
37 procured, and such information technology meets the  
38 same standards and specifications as the items to be  
39 procured and both of the following apply:

40 (a) The quantity purchased does not exceed the  
41 quantity which may be purchased under the applicable  
42 price agreement.

43 (b) The purchase order adequately identifies the  
44 price agreement relied upon.

45 c. Contracts let by another governmental  
46 entity. The division, on its own behalf or on the  
47 behalf of another participating agency or governmental  
48 entity, may procure information technology under a  
49 contract let by another agency or other governmental  
50 entity, or approve such procurement in the same manner

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1 by a participating agency or governmental entity.  
2 d. Reverse auction.  
3 (1) The division may enter into an agreement for  
4 the purchase of information technology utilizing a  
5 reverse auction process. Such process shall result in  
6 the purchase of information technology from the vendor  
7 submitting the lowest responsible bid amount for the  
8 information technology to be acquired. The division,  
9 in establishing a reverse auction process, shall do all  
10 of the following:  
11 (a) Determine the specifications and requirements  
12 of the information technology to be acquired.  
13 (b) Identify and provide notice to potential  
14 vendors concerning the proposed acquisition.  
15 (c) Establish prequalification requirements to be  
16 met by a vendor to be eligible to participate in the  
17 reverse auction.  
18 (d) Conduct the reverse auction in a manner as  
19 deemed appropriate by the division and consistent with  
20 rules adopted by the division.  
21 (2) Prior to conducting a reverse auction, the  
22 division shall establish a threshold amount which shall  
23 be the maximum amount which the division is willing to  
24 pay for the information technology to be acquired.  
25 (3) The division shall enter into an agreement  
26 with a vendor who is the lowest responsible bidder  
27 which meets the specifications or description of the  
28 information technology to be procured, or the division  
29 may reject all bids and begin the process again. In  
30 determining the lowest responsible bidder, the division  
31 may consider various factors including but not limited  
32 to the past performance of the vendor relative to  
33 quality of product or service, the past experience of  
34 the division in relation to the product or service, the  
35 relative quality of products or services, the proposed  
36 terms of delivery, and the best interest of the state.  
37 e. Competitive bidding. The division may enter  
38 into an agreement for the procurement or acquisition of  
39 information technology in the same manner as provided  
40 under chapter 8A, subchapter III, for the purchasing  
41 of service.  
42 f. Other agreement. In addition to the competitive  
43 bidding procedure provided for under paragraph "e",  
44 the division may enter into an agreement for the  
45 purchase, disposal, or other disposition of information  
46 technology in the same manner and subject to the same  
47 limitations as otherwise provided in this chapter. The  
48 division, by rule, shall provide for such procedures.  
49 6. The division shall adopt rules pursuant to  
50 chapter 17A to implement the procurement methods and

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1 procedures provided for in subsections 2 through 5.

2 SUBCHAPTER IV

3 IOWACCESS

4 Sec. \_\_\_\_ NEW SECTION. 8B.31 IowAccess — division  
5 duties and responsibilities.

6 1. IowAccess. The division shall establish  
7 IowAccess as a service to the citizens of this state  
8 that is the gateway for one-stop electronic access  
9 to government information and transactions, whether  
10 federal, state, or local. Except as provided in  
11 this section, IowAccess shall be a state-funded  
12 service providing access to government information and  
13 transactions. The division, in establishing the fees  
14 for value-added services, shall consider the reasonable  
15 cost of creating and organizing such government  
16 information through IowAccess.

17 2. Duties. The division shall do all of the  
18 following:

19 a. Establish rates to be charged for access to and  
20 for value-added services performed through IowAccess.

21 b. Approve and establish the priority of projects  
22 associated with IowAccess. The determination may also  
23 include requirements concerning funding for a project  
24 proposed by a political subdivision of the state or  
25 an association, the membership of which is comprised  
26 solely of political subdivisions of the state. Prior  
27 to approving a project proposed by a political  
28 subdivision, the division shall verify that all of the  
29 following conditions are met:

30 (1) The proposed project provides a benefit to the  
31 state.

32 (2) The proposed project, once completed, can be  
33 shared with and used by other political subdivisions of  
34 the state, as appropriate.

35 (3) The state retains ownership of any final  
36 product or is granted a permanent license to the use  
37 of the product.

38 c. Establish expected outcomes and effects of the  
39 use of IowAccess and determine the manner in which such  
40 outcomes are to be measured and evaluated.

41 d. Establish the IowAccess total budget request and  
42 ensure that such request reflects the priorities and  
43 goals of IowAccess as established by the division.

44 e. Advocate for access to government information  
45 and services through IowAccess and for data privacy  
46 protection, information ethics, accuracy, and security  
47 in IowAccess programs and services.

48 f. Receive status and operations reports associated  
49 with IowAccess.

50 3. Data purchasing. This section shall not be

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1 construed to impair the right of a person to contract  
2 to purchase information or data from the Iowa court  
3 information system or any other governmental entity.  
4 This section shall not be construed to affect a data  
5 purchase agreement or contract in existence on April  
6 25, 2000.

7 Sec. \_\_\_\_ NEW SECTION. 8B.32 Financial  
8 transactions.

9 1. Moneys paid to a participating agency from  
10 persons who complete an electronic financial  
11 transaction with the agency by accessing IowaAccess  
12 shall be transferred to the treasurer of state for  
13 deposit in the general fund of the state, unless the  
14 disposition of the moneys is specifically provided for  
15 under other law. The moneys may include all of the  
16 following:

17 a. Fees required to obtain an electronic public  
18 record as provided in section 22.3A.

19 b. Fees required to process an application or file  
20 a document, including but not limited to fees required  
21 to obtain a license issued by a licensing authority.

22 c. Moneys owed to a governmental entity by a  
23 person accessing IowaAccess in order to satisfy a  
24 liability arising from the operation of law, including  
25 the payment of assessments, taxes, fines, and civil  
26 penalties.

27 2. Moneys transferred using IowaAccess may include  
28 amounts owed by a governmental entity to a person  
29 accessing IowaAccess in order to satisfy a liability of  
30 the governmental entity. The moneys may include the  
31 payment of tax refunds, and the disbursement of support  
32 payments as defined in section 252D.16 or 598.1 as  
33 required for orders issued pursuant to section 252B.14.

34 3. In addition to other forms of payment, credit  
35 cards shall be accepted in payment for moneys owed to  
36 or fees imposed by a governmental entity in the same  
37 manner as provided in section 8B.15.

38 Sec. \_\_\_\_ NEW SECTION. 8B.33 Audits required.

39 A technology audit of the electronic transmission  
40 system by which government records are transmitted  
41 electronically to the public shall be conducted not  
42 less than once annually for the purpose of determining  
43 that government records and other electronic data are  
44 not misappropriated or misused by the division or a  
45 contractor of the division.

46 Sec. \_\_\_\_ NEW SECTION. 8B.34 IowaAccess revolving  
47 fund.

48 1. An IowaAccess revolving fund is created in  
49 the state treasury. The revolving fund shall be  
50 administered by the division and shall consist of

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1 moneys collected by the division as fees, moneys  
2 appropriated by the general assembly, and any other  
3 moneys obtained or accepted by the division for  
4 deposit in the revolving fund. The proceeds of the  
5 revolving fund are appropriated to and shall be used  
6 by the division to maintain, develop, operate, and  
7 expand lowAccess consistent with this chapter, and for  
8 the support of activities of the technology advisory  
9 council pursuant to section 8B.8.

10 2. The division shall submit an annual report  
11 not later than January 31 to the members of the  
12 general assembly and the legislative services agency  
13 of the activities funded by and expenditures made  
14 from the revolving fund during the preceding fiscal  
15 year. Section 8.33 does not apply to any moneys in  
16 the revolving fund, and, notwithstanding section  
17 12C.7, subsection 2, earnings or interest on moneys  
18 deposited in the revolving fund shall be credited to  
19 the revolving fund.

20 Sec. \_\_\_\_ Section 12C.1, subsection 2, paragraph  
21 e, subparagraph (6), Code 2009, is amended to read as  
22 follows:

23 (6) Moneys placed in a depository for the purpose  
24 of completing an electronic financial transaction  
25 pursuant to section ~~8A.222~~ 8B.32 or 331.427.

26 Sec. \_\_\_\_ Section 12C.4, Code 2009, is amended to  
27 read as follows:

28 12C.4 Location of depositories.

29 Deposits by the treasurer of state shall be in  
30 depositories located in this state; by a county  
31 officer or county public hospital officer or merged  
32 area hospital officer, in depositories located in the  
33 county or in an adjoining county within this state;  
34 by a memorial hospital treasurer, in a depository  
35 located within this state which shall be selected by  
36 the memorial hospital treasurer and approved by the  
37 memorial hospital commission; by a city treasurer or  
38 other city financial officer, in depositories located  
39 in the county in which the city is located or in an  
40 adjoining county, but if there is no depository in the  
41 county in which the city is located or in an adjoining  
42 county then in any other depository located in this  
43 state which shall be selected as a depository by the  
44 city council; by a school treasurer or by a school  
45 secretary in a depository within this state which  
46 shall be selected by the board of directors or the  
47 trustees of the school district; by a township clerk  
48 in a depository located within this state which shall  
49 be selected by the township clerk and approved by the  
50 trustees of the township. However, deposits may be

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1 made in depositories outside of Iowa for the purpose of  
 2 paying principal and interest on bonded indebtedness  
 3 of any municipality when the deposit is made not  
 4 more than ten days before the date the principal  
 5 or interest becomes due. Further, the treasurer of  
 6 state may maintain an account or accounts outside the  
 7 state of Iowa for the purpose of providing custodial  
 8 services for the state and state retirement fund  
 9 accounts. Deposits made for the purpose of completing  
 10 an electronic financial transaction pursuant to section  
 11 ~~8A.222~~ 8B.32 or 331.427 may be made in any depository  
 12 located in this state.

13 Sec. \_\_\_\_ Section 23A.2, subsection 10, paragraph  
 14 o, Code Supplement 2009, is amended to read as follows:  
 15 o. The performance of an activity authorized  
 16 pursuant to section ~~8A.202~~ 8B.21, subsection ~~2~~ 1,  
 17 paragraph “j”.

18 Sec. \_\_\_\_ REPEAL. Sections 8A.201, 8A.202, 8A.203,  
 19 8A.204, 8A.205, 8A.206, 8A.207, 8A.221, 8A.222, and  
 20 8A.223, Code 2009, are repealed.

21 Sec. \_\_\_\_ REPEAL. Section 8A.224, Code Supplement  
 22 2009, is repealed.

23 2. Page 9, line 35, by striking DEPARTMENT OF  
 24 ADMINISTRATIVE SERVICES

25 3. Page 10, line 1, after TECHNOLOGY by inserting  
 26 DIVISION

27 4. Page 10, line 2, by striking department of  
 28 administrative services and inserting information  
 29 technology division of the department of management

30 5. Page 10, line 13, by striking department and  
 31 inserting information technology division

32 6. Page 30, line 4, after 2B.5A. by inserting The  
 33 agency shall also submit a copy of the notice to the  
 34 chairpersons and ranking members of the appropriate  
 35 standing committees of the general assembly for  
 36 additional study.

37 7. Page 31, after line 21 by inserting:

38 <Sec. \_\_\_\_ APPLICABILITY. The amendment to section  
 39 17A.4 in this division of this Act, establishing  
 40 requirements for an agency to submit copies of rule  
 41 notices to the chairpersons and ranking members of  
 42 the appropriate standing committees, is applicable  
 43 beginning January 11, 2011.>

44 8. Page 35, line 4, by striking ~~2011~~ 2016 and  
 45 inserting 2011

46 9. Page 35, by striking lines 11 through 20.

47 10. Page 36, after line 3 by inserting:

48 <(e) (1) Beginning July 1, 2011, the policy shall  
 49 allow a director of an executive branch agency who  
 50 believes that the agency will not be able to reach

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- 1 the applicable target aggregate ratio to apply for a  
2 waiver of that requirement through a five-person review  
3 board. In applying for a waiver, the director shall  
4 provide detailed documentation to the board describing  
5 the efforts that the executive branch agency has made  
6 in attempting to meet the applicable target aggregate  
7 ratio provided in this paragraph "g". The review  
8 board shall consist of the director of the department  
9 of management or a designee of the director, three  
10 agency directors or the designees of those directors  
11 as designated by the governor, and one public member  
12 selected by the employee organization representing  
13 the greatest number of executive branch employees.  
14 However, if a department represented on the review  
15 board seeks a waiver, the member representing the  
16 department shall not participate in the decision on  
17 whether to grant a waiver for that department.>  
18 (2) Prior to determining whether to grant a waiver,  
19 the review board shall make an initial determination  
20 of whether the executive branch agency has provided  
21 sufficient information to conduct a review. If not,  
22 the review board shall deny the request and notify  
23 the executive branch agency of the information needed  
24 to consider the request for waiver. If a waiver is  
25 granted, the review board shall limit the waiver to  
26 only those operations within an executive branch agency  
27 in which adequate justification for granting a waiver  
28 has been established.  
29 11. Page 36, line 4, by striking <(e)> and  
30 inserting <(f)>  
31 12. Page 36, line 8, by striking <(f)> and  
32 inserting <(g)>  
33 13. Page 36, after line 10 by inserting:  
34 (h) The policy shall provide that in calculating  
35 the span of control ratio for an executive branch  
36 agency, unfunded full-time equivalent positions shall  
37 not be utilized.  
38 14. Page 36, line 11, by striking <(g)> and  
39 inserting <(i)>  
40 15. Page 36, line 14, by striking 2017 and  
41 inserting 2012  
42 16. Page 36, line 17, by striking <(h)> and  
43 inserting <(j)>  
44 17. Page 36, line 33, by striking <noncontract>  
45 18. Page 38, line 18, after <services> by inserting  
46 <, the chief information officer of the state,>  
47 19. Page 38, line 19, after <agencies> by inserting  
48 <authorized to purchase goods and services>  
49 20. Page 38, line 29, after <agencies> by inserting  
50 <authorized to purchase goods and services>

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- 1 21. Page 39, line 10, after <agency> by inserting  
 2 <authorized to purchase goods and services>  
 3 22. Page 39, line 22, after <improvements> by  
 4 inserting <, and shall seek input from the department  
 5 of administrative services and the chief information  
 6 officer of the state regarding specific areas of  
 7 potential cooperation between the institutions  
 8 under the control of the board and the department of  
 9 administrative services>  
 10 23. Page 39, line 26, after <agency> by inserting  
 11 <authorized to purchase goods and services>  
 12 24. Page 39, line 29, by striking <July 1,> and  
 13 inserting <July 1>  
 14 25. By striking page 46, line 22, through page 52,  
 15 line 22, and inserting:

16 <DIVISION \_\_\_\_

17 ALCOHOLIC BEVERAGES

18 DIVISION — MICRO-DISTILLERIES

19 Sec. \_\_\_\_ Section 123.32, subsection 1, Code  
 20 Supplement 2009, is amended to read as follows:  
 21 1. Filing of application. An application for a  
 22 class “A”, class “B”, class “C”, or class “E” liquor  
 23 control license, for a class “A” micro-distilled  
 24 spirits permit, for a retail beer permit as provided  
 25 in sections 123.128 and 123.129, or for a class “B”,  
 26 class “B” native, or class “C” native retail wine  
 27 permit as provided in section 123.178, 123.178A, or  
 28 123.178B, accompanied by the necessary fee and bond,  
 29 if required, shall be filed with the appropriate city  
 30 council if the premises for which the license or permit  
 31 is sought are located within the corporate limits of a  
 32 city, or with the board of supervisors if the premises  
 33 for which the license or permit is sought are located  
 34 outside the corporate limits of a city. An application  
 35 for a class “D” liquor control license and for a class  
 36 “A” beer or class “A” wine permit, accompanied by the  
 37 necessary fee and bond, if required, shall be filed  
 38 with the division, which shall proceed in the same  
 39 manner as in the case of an application approved by  
 40 local authorities.

41 Sec. \_\_\_\_ NEW SECTION. 123.43A Micro-distilled  
 42 spirits — permit.

- 43 1. For the purposes of this section, unless the  
 44 context other requires:  
 45 a. “Micro-distillery” means a business with an  
 46 operational still which, combining all production  
 47 facilities of the business, produces and manufactures  
 48 less than fifty thousand proof gallons of distilled  
 49 spirits on an annual basis.  
 50 b. “Micro-distilled spirits” means distilled



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1 spirits fermented, distilled, or, for a period of  
2 two years, barrel matured on the licensed premises  
3 of the micro-distillery where fermented, distilled,  
4 or matured. "Micro-distilled spirits" also includes  
5 blended or mixed spirits comprised solely of spirits  
6 fermented, distilled, or, for a period of two years,  
7 barrel matured at a micro-distillery.

8 2. Subject to rules of the division, a  
9 micro-distillery holding a class "A" micro-distilled  
10 spirits permit pursuant to this section may sell or  
11 offer for sale micro-distilled spirits. As provided  
12 in this section, sales may be made at retail for  
13 off-premises consumption when sold on the premises of  
14 the micro-distillery that manufactures micro-distilled  
15 spirits. All sales shall be made through the state's  
16 wholesale distribution system.

17 3. A micro-distillery shall not sell more than  
18 one and one-half liters per person per day, of  
19 micro-distilled spirits on the premises of the  
20 micro-distillery. In addition, a micro-distillery  
21 shall not directly ship micro-distilled spirits for  
22 sale at retail. The micro-distillery shall maintain  
23 records of individual purchases of micro-distilled  
24 spirits at the micro-distillery for three years.

25 4. A micro-distillery shall not sell  
26 micro-distilled spirits other than as permitted  
27 in this chapter and shall not allow micro-distilled  
28 spirits sold to be consumed upon the premises of  
29 the micro-distillery. However, as a part of a  
30 micro-distillery tour, micro-distilled spirits of no  
31 more than two ounces per person per day may be sampled  
32 on the premises where fermented, distilled, or matured,  
33 when no charge is made for the sampling.

34 5. A class "A" micro-distilled spirits permit for a  
35 micro-distillery shall be issued and renewed annually  
36 upon payment of a fee of five hundred dollars.

37 6. The sale of micro-distilled spirits to the  
38 division for wholesale disposition and sale by the  
39 division shall be subject to the requirements of this  
40 chapter regarding such disposition and sale.

41 7. The division shall issue no more than three  
42 permits under this section to a person. In addition,  
43 a micro-distillery issued a permit under this section  
44 shall file with the division all documents filed by  
45 the micro-distillery with the alcohol and tobacco tax  
46 and trade bureau of the United States department of  
47 the treasury, including all production, storage, and  
48 processing reports.>

49 8. Micro-distilled spirits purchased at a  
50 micro-distillery shall not be consumed within three

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1 hundred feet of a micro-distillery or on any property  
2 owned, operated, or controlled by a micro-distillery.

3 26. Page 52, before line 23 by inserting:

4 <DIVISION \_\_\_\_

5 ALCOHOLIC BEVERAGES DIVISION — CHARITY BEER AND WINE  
6 AUCTION PERMIT

7 Sec. \_\_\_\_ NEW SECTION. 123.173A Charity beer and  
8 wine auction permit.

9 1. For purposes of this section, “authorized  
10 nonprofit entity” includes a nonprofit entity which  
11 has a principal office in the state, a nonprofit  
12 corporation organized under chapter 504, or a foreign  
13 corporation as defined in section 504.141, whose income  
14 is exempt from federal taxation under section 501(c) of  
15 the Internal Revenue Code.

16 2. An authorized nonprofit entity may, upon  
17 application to the division and receipt of a charity  
18 beer and wine auction permit from the division, conduct  
19 a charity auction which includes beer and wine. The  
20 application shall specify the date and time when the  
21 charity beer and wine auction is to be conducted and  
22 the premises in this state where the charity beer  
23 and wine auction is to be physically conducted. The  
24 applicant shall certify that the objective of the  
25 charity beer and wine auction is to raise funds solely  
26 to be used for educational, religious, or charitable  
27 purposes and that the entire proceeds from the charity  
28 beer and wine auction are to be expended for any of the  
29 purposes described in section 423.3, subsection 78.

30 3. An authorized nonprofit entity shall be eligible  
31 to receive only two charity beer and wine auction  
32 permits during a calendar year and each charity beer  
33 and wine auction permit shall be valid for a period not  
34 to exceed thirty-six consecutive hours.

35 4. The authorized nonprofit entity conducting the  
36 charity beer and wine auction shall obtain the beer  
37 and wine to be auctioned at the charity beer and wine  
38 auction from an Iowa retail beer permittee or an Iowa  
39 retail wine permittee, or may receive donations of  
40 beer or wine to be auctioned at the charity beer and  
41 wine auction from persons who purchased the donated  
42 beer or wine from an Iowa retail beer permittee or an  
43 Iowa retail wine permittee and who present a receipt  
44 documenting the purchase at the time the beer or wine  
45 is donated. The authorized nonprofit entity conducting  
46 the charity beer and wine auction shall retain a copy  
47 of the receipt for a period of one year from the date  
48 of the charity beer and wine auction.

49 5. Persons shall be physically present at the  
50 charity beer and wine auction to be eligible to bid on

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1 beer and wine sold at the charity auction.

2 6. The beer and wine sold at the charity beer  
3 and wine auction shall be in original containers for  
4 consumption off of the premises where the charity beer  
5 and wine auction is conducted. No other alcoholic  
6 beverage may be sold by the charity beer and wine  
7 auction permittee at the charity beer and wine auction.  
8 A purchaser of beer or wine at a charity beer and wine  
9 auction shall not take possession of the beer or wine  
10 until the person is leaving the event. A purchaser  
11 of beer or wine at a charity beer and wine auction  
12 shall not open the container or consume or permit  
13 the consumption of the beer or wine purchased on the  
14 premises where the charity beer and wine auction is  
15 conducted. A purchaser of beer or wine at a charity  
16 beer and wine auction shall not resell the beer or  
17 wine.

18 7. A liquor control licensee, beer permittee, or  
19 wine permittee shall not purchase beer or wine at a  
20 charity beer and wine auction. The charity beer and  
21 wine auction may be conducted on a premises for which a  
22 class "B" liquor control license or class "C" liquor  
23 control license has been issued, provided that the  
24 liquor control licensee does not participate in the  
25 charity beer and wine auction, supply beer or wine to  
26 be auctioned at the charity beer and wine auction, or  
27 receive any of the proceeds of the charity beer and  
28 wine auction.

29 Sec. \_\_\_\_ Section 123.179, Code 2009, is amended by  
30 adding the following new subsection:

31 NEW SUBSECTION. 5. The fee for a charity beer and  
32 wine auction permit is one hundred dollars.>

33 27. Page 52, before line 23 by inserting:

34 <DIVISION \_\_\_\_  
35 ALCOHOLIC BEVERAGES DIVISION — HIGH  
36 ALCOHOL BEER

37 Sec. \_\_\_\_ Section 123.3, subsection 5, Code 2009,  
38 is amended to read as follows:

39 5. "Alcoholic liquor" or "intoxicating liquor" means  
40 the varieties of liquor defined in subsections 3 and  
41 33 which contain more than five percent of alcohol  
42 by weight, beverages made as described in subsection  
43 7 which beverages contain more than five percent of  
44 alcohol by weight but which are not wine as defined in  
45 subsection 37 or high alcoholic content beer as defined  
46 in subsection 14A, and every other liquid or solid,  
47 patented or not, containing spirits and every beverage  
48 obtained by the process described in subsection 37  
49 containing more than seventeen percent alcohol by  
50 weight or twenty-one and twenty-five hundredths percent

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1 of alcohol by volume, and susceptible of being consumed  
2 by a human being, for beverage purposes. Alcohol  
3 manufactured in this state for use as fuel pursuant to  
4 an experimental distilled spirits plant permit or its  
5 equivalent issued by the federal bureau of alcohol,  
6 tobacco and firearms is not an "alcoholic liquor".

7 Sec. \_\_\_\_ Section 123.3, Code 2009, is amended by  
8 adding the following new subsection:

9 NEW SUBSECTION. 14A. "High alcoholic content beer"  
10 means beer which contains more than five percent of  
11 alcohol by weight, but not more than twelve percent of  
12 alcohol by weight, that is made by the fermentation of  
13 an infusion in potable water of barley, malt, and hops,  
14 with or without unmalted grains or decorticated and  
15 degerminated grains.

16 Sec. \_\_\_\_ Section 123.124, Code 2009, is amended to  
17 read as follows:

18 123.124 Permits — classes.

19 Permits for the manufacture and sale, or sale of  
20 beer shall be divided into ~~four~~ six classes, known  
21 as class "A", special class "A", class "AA", special  
22 class "AA", class "B", or class "C" permits. A class  
23 "A" permit allows the holder to manufacture and sell  
24 beer at wholesale. A holder of a special class "A"  
25 permit may only manufacture beer to be consumed on  
26 the licensed premises for which the person also holds  
27 a class "C" liquor control license or class "B" beer  
28 permit and to be sold to a class "A" permittee for  
29 resale purposes. A class "AA" permit allows the holder  
30 to manufacture and sell high alcoholic content beer at  
31 wholesale. A holder of a special class "AA" permit  
32 may only manufacture high alcoholic content beer to  
33 be consumed on the licensed premises for which the  
34 person also holds a class "C" liquor control license  
35 or class "B" beer permit and to be sold to a class "AA"  
36 permittee for resale purposes. A class "B" permit  
37 allows the holder to sell beer to consumers at retail  
38 for consumption on or off the premises. A class "C"  
39 permit allows the holder to sell beer to consumers at  
40 retail for consumption off the premises.

41 Sec. \_\_\_\_ Section 123.125, Code 2009, is amended to  
42 read as follows:

43 123.125 Issuance of permits.

44 The administrator shall issue class "A", special  
45 class "A", class "AA", special class "AA", class "B",  
46 and class "C" beer permits and may suspend or revoke  
47 permits for cause as provided in this chapter.

48 Sec. \_\_\_\_ Section 123.127, subsection 1, unnumbered  
49 paragraph 1, Code Supplement 2009, is amended to read  
50 as follows:

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1 A class "A" or class "AA" permit shall be issued by  
2 the administrator to any person who:

3 Sec. \_\_\_\_ Section 123.127, subsection 2, Code  
4 Supplement 2009, is amended to read as follows:

5 2. An applicant for a special class "A" or  
6 special class "AA" permit shall comply with the  
7 requirements for a class "A" or class "AA" permit, as  
8 applicable, and shall also state on the application  
9 that the applicant holds or has applied for a class "C"  
10 liquor control license or class "B" beer permit.

11 Sec. \_\_\_\_ Section 123.130, unnumbered paragraph 1,  
12 Code 2009, is amended to read as follows:

13 Any person holding a class "A" permit issued by  
14 the division shall be authorized to manufacture and  
15 sell, or sell at wholesale, beer for consumption off  
16 the premises, such sales within the state to be made  
17 only to persons holding subsisting class "A", "B", or  
18 "C" permits, or liquor control licenses issued in  
19 accordance with the provisions of this chapter. ~~The~~  
20 ~~holder of a class "A" permit may manufacture beer of~~  
21 ~~more than five percent alcohol by weight for shipment~~  
22 ~~outside this state only. However, a A class "A", class~~  
23 ~~"AA", or special class "AA" permit does not grant~~  
24 authority to manufacture wine as defined in section  
25 123.3, subsection 37.

26 Sec. \_\_\_\_ Section 123.134, Code 2009, is amended by  
27 adding the following new subsection:

28 NEW SUBSECTION. 1A. The annual permit fee for a  
29 class "AA" or special class "AA" permit is five hundred  
30 dollars.

31 Sec. \_\_\_\_ Section 123.135, subsection 1, Code 2009,  
32 is amended to read as follows:

33 1. A manufacturer, brewer, bottler, importer, or  
34 vendor of beer or any agent thereof desiring to ship  
35 or sell beer, or have beer brought into this state  
36 for resale by a class "A" permittee shall first make  
37 application for and be issued a brewer's certificate  
38 of compliance by the administrator for that purpose.  
39 The certificate of compliance expires at the end  
40 of one year from the date of issuance and shall be  
41 renewed for a like period upon application to the  
42 administrator unless otherwise revoked for cause. Each  
43 application for a certificate of compliance or renewal  
44 of a certificate shall be accompanied by a fee of  
45 ~~one~~ five hundred dollars payable to the division. Each  
46 holder of a certificate of compliance shall furnish the  
47 information in the form the administrator requires. ~~A~~  
48 ~~brewer whose plant is located in Iowa and who otherwise~~  
49 ~~holds a class "A" beer permit to sell beer at wholesale~~  
50 ~~is exempt from the fee, but not from the terms and~~

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1 ~~conditions of the permit. The holder of a special~~  
 2 ~~class "A" permit is exempt from the requirements of~~  
 3 ~~this section.>~~

4 28. Page 53, by striking lines 1 through 3 and  
 5 inserting <year. This section does not repeal any  
 6 authority previously granted to the division in chapter  
 7 123.>

8 29. By striking page 53, line 16, through page 56,  
 9 line 1, and inserting:

10 <DIVISION \_\_\_\_  
 11 ALCOHOLIC BEVERAGES DIVISION — DIRECT  
 12 SHIPMENT OF WINE

13 Sec. \_\_\_\_ Section 123.173, subsection 1, Code 2009,  
 14 is amended to read as follows:

15 1. ~~Permits~~ Except as provided in section 123.187,  
 16 permits exclusively for the sale or manufacture and  
 17 sale of wine shall be divided into four classes, and  
 18 shall be known as class "A", "B", "B" native, or "C"  
 19 native wine permits.

20 Sec. \_\_\_\_ Section 123.187, Code 2009, is amended by  
 21 striking the section and inserting in lieu thereof the  
 22 following:

23 123.187 Direct shipment of wine — licenses and  
 24 requirements.

25 1. A wine manufacturer licensed or permitted  
 26 pursuant to laws regulating alcoholic beverages in this  
 27 state or another state may apply for a wine direct  
 28 shipper license, as provided in this section. For the  
 29 purposes of this section, a "wine manufacturer" means a  
 30 person who processes the fruit, vegetables, dandelions,  
 31 clover, honey, or any combination of these ingredients,  
 32 by fermentation into wines.

33 2. a. The administrator shall issue a wine  
 34 direct shipper license to a wine manufacturer who  
 35 submits a written application for the license on a  
 36 form to be established by the administrator by rule,  
 37 accompanied by a true copy of the manufacturer's  
 38 current alcoholic beverage license or permit and a copy  
 39 of the manufacturer's winery license issued by the  
 40 federal alcohol and tobacco tax and trade bureau.

41 b. An application submitted pursuant to paragraph  
 42 "a" shall be accompanied by a license fee in the amount  
 43 of twenty-five dollars.

44 c. An application submitted pursuant to paragraph  
 45 "a" shall also be accompanied by a bond in the amount  
 46 of five thousand dollars in the form prescribed and  
 47 furnished by the division with good and sufficient  
 48 sureties to be approved by the division conditioned  
 49 upon compliance with this chapter.

50 d. A license issued pursuant to this section may

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1 be renewed annually by resubmitting the information  
2 required in paragraph "a", accompanied by the  
3 twenty-five dollar license fee.

4 3. The direct shipment of wine pursuant to this  
5 section shall be subject to the following requirements  
6 and restrictions:

7 a. Wine may only be shipped by a wine direct  
8 shipper licensee to a resident of this state who is  
9 at least twenty-one years of age, for the resident's  
10 personal use and consumption and not for resale.

11 b. Wine subject to direct shipping shall be  
12 properly registered with the federal alcohol and  
13 tobacco tax and trade bureau, and fermented on the  
14 winery premises of the wine direct shipper licensee.

15 c. All containers of wine shipped directly to  
16 a resident of this state shall be conspicuously  
17 labeled with the words CONTAINS ALCOHOL; SIGNATURE OF  
18 PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY or shall  
19 be conspicuously labeled with alternative wording  
20 preapproved by the administrator.

21 d. All containers of wine shipped directly to a  
22 resident of this state shall be shipped by an alcohol  
23 carrier licensed as provided in subsection 6.

24 4. Shipment of wine pursuant to this subsection  
25 does not require a refund value for beverage  
26 container control purposes under chapter 455C.

27 5. A wine direct shipper licensee shall be deemed  
28 to have consented to the jurisdiction of the division  
29 or any other agency or court in this state concerning  
30 enforcement of this section and any related laws,  
31 rules, or regulations. A licensee shall permit the  
32 division to perform an audit of shipping records upon  
33 request.

34 6. a. Wine subject to direct shipment within this  
35 state pursuant to this section shall be delivered only  
36 by a carrier having obtained from the division an  
37 alcohol carrier license. An alcohol carrier license  
38 shall be issued upon payment of a one hundred dollar  
39 license fee, and shall be subject to requirements, and  
40 issued pursuant to application forms, to be determined  
41 by the administrator by rule.

42 b. An alcohol carrier licensee shall not deliver  
43 wine to any person under twenty-one years of age, or  
44 to any person who either is or appears to be in an  
45 intoxicated state or condition. A licensee shall  
46 obtain valid proof of identity and age prior to  
47 delivery, and shall obtain the signature of an adult  
48 as a condition of delivery.

49 c. An alcohol carrier licensee shall maintain  
50 records of wine shipped which include the license

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1 number and name of the wine manufacturer, quantity  
2 of wine shipped, recipient's name and address, and  
3 an electronic or paper form of signature from the  
4 recipient of the wine. Records shall be submitted to  
5 the division on a monthly basis in a form and manner to  
6 be determined by the division by rule.

7 7. A violation of this section shall subject a  
8 licensee to the penalty provisions of section 123.39.>

9 30. Page 58, line 26, after <affairs.> by inserting  
10 <The term of office for voting members is four years.>

11 31. Page 83, after line 10 by inserting:  
12 <Sec. \_\_\_\_ Section 99D.28, subsection 7, Code 2009,  
13 is amended to read as follows:

14 7. A claimant agency or licensee, acting in good  
15 faith, shall not be liable to any person for actions  
16 taken ~~to comply with~~ pursuant to this section.>

17 32. Page 83, after line 31 by inserting:  
18 <Sec. \_\_\_\_ Section 99F.19, subsection 7, Code 2009,  
19 is amended to read as follows:

20 7. A claimant agency or licensee, acting in good  
21 faith, shall not be liable to any person for actions  
22 taken ~~to comply with~~ pursuant to this section.>

23 33. By striking page 114, line 31, through page  
24 115, line 12.

25 34. Page 116, by striking lines 25 and 26 and  
26 inserting:

27 <Sec. \_\_\_\_ REPEAL. Section 159A.5, Code 2009, is  
28 repealed.>

29 35. Page 116, after line 27 by inserting:

30 <Sec. \_\_\_\_ ORGANIC ADVISORY COUNCIL —  
31 FEES. Notwithstanding section 190C.5, for the fiscal  
32 year beginning July 1, 2010, and ending June 30, 2011,  
33 the department of agriculture and land stewardship  
34 shall increase all fees that it establishes, imposes,  
35 and collects pursuant to 21 IAC ch. 47 by ten percent.  
36 Of the fees collected by the department, the amount  
37 collected representing the ten percent increase in fees  
38 authorized by this section shall not be deposited in  
39 the general fund of the state but shall be retained by  
40 the department for the purposes of the department.>

41 36. By striking page 118, line 9, through page 158,  
42 line 15.

43 37. By striking page 162, line 5, through page 164,  
44 line 34.

45 38. Page 165, after line 22 by inserting:

46 <Sec. \_\_\_\_ NEW SECTION. 273.15 Advisory group.

47 1. The board of directors of each area education  
48 agency shall appoint an advisory group to make  
49 recommendations on policy, programs, and services to  
50 the board. The advisory group shall provide input,



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1 feedback, and recommendations to the board regarding  
2 projected future needs, and shall provide a review  
3 and response to any state-directed study or task  
4 force report on area education agency efficiencies or  
5 reorganization.

6 2. The advisory group shall consist of the  
7 following:

8 a. A minimum of three superintendents employed by  
9 school districts served by the area education agency;  
10 at least one of whom shall represent a small school  
11 district, at least one of whom shall represent a  
12 medium-sized school district, and at least one of whom  
13 shall represent a large school district.

14 b. A minimum of three principals employed by school  
15 districts served by the area education agency; at least  
16 one of whom shall represent an elementary school, at  
17 least one of whom shall represent a middle school, and  
18 at least one of whom shall represent a high school.

19 c. A minimum of four teachers employed by school  
20 districts served by the area education agency; at least  
21 one of whom shall represent early childhood teachers,  
22 at least one of whom shall represent elementary  
23 school teachers, at least one of whom shall represent  
24 middle school teachers, and at least one of whom  
25 shall represent high school teachers. At least one of  
26 the teachers appointed shall also represent special  
27 education and at least one of the teachers appointed  
28 shall represent general education. At least one of the  
29 teachers appointed shall represent related personnel,  
30 including but not limited to media and technology  
31 specialists and counselors.

32 d. A minimum of three parents or guardians of  
33 school age children receiving services from the  
34 area education agency, at least one of whom shall be  
35 the parent or guardian of a child requiring special  
36 education.

37 e. One member who represents accredited nonpublic  
38 schools located within the boundaries of the area  
39 education agency.

40 3. In appointing members of the advisory group  
41 pursuant to subsection 2, the area education agency  
42 shall collaborate with the superintendents and school  
43 boards of the school districts served by the area  
44 education agency.

45 4. All member appointments made pursuant to  
46 subsection 2 shall comply with sections 69.16, 69.16A,  
47 and 69.16C. In addition, every reasonable effort  
48 shall be made to appoint members to provide balanced  
49 representation based on age, experience, ethnicity,  
50 district size, and geography.

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1 5. The advisory group shall meet at least twice  
2 annually and shall submit its recommendations in a  
3 report to the board of directors of the area education  
4 agency at least once annually. The report shall be  
5 timely submitted to allow for consideration of the  
6 recommendations prior to program planning and budgeting  
7 for the following fiscal year.>

8 39. By striking page 165, line 23, through page  
9 166, line 1.

10 40. Page 166, by striking lines 4 and 5 and  
11 inserting:

12 <Sec. \_\_\_\_ REPEAL. Sections 280A.1, 280A.3,  
13 280A.4, and 280A.5, Code 2009, are repealed.

14 Sec. \_\_\_\_ REPEAL. Section 280A.2, Code Supplement  
15 2009, is repealed.>

16 41. Page 166, by striking lines 7 through 24.

17 42. By striking page 166, line 25, through page  
18 198, line 6, and inserting:

19 DIVISION \_\_\_\_

20 EARLY CHILDHOOD IOWA INITIATIVE

21 Sec. \_\_\_\_ NEW SECTION. 256I.1 Definitions.

22 For the purposes of this chapter, unless the context  
23 otherwise requires:

24 1. "Department" means the department of management.

25 2. "Desired results" means the set of desired  
26 results for improving the quality of life in this state  
27 for young children and their families identified in  
28 section 256I.2.

29 3. "Early care", "early care services", or "early  
30 care system" means the programs, services, support, or  
31 other assistance made available to a parent or other  
32 person who is involved with addressing the health  
33 and education needs of a child from zero through age  
34 five. "Early care", "early care services", or "early  
35 care system" includes but is not limited to public and  
36 private efforts and formal and informal settings.

37 4. "Early childhood Iowa area" means a geographic  
38 area designated in accordance with this chapter.

39 5. "Early childhood Iowa area board" or "area board"  
40 means the board for an early childhood Iowa area  
41 created in accordance with this chapter.

42 6. "Early childhood Iowa state board" or "state  
43 board" means the early childhood Iowa state board  
44 created in section 256I.3.

45 Sec. \_\_\_\_ NEW SECTION. 256I.2 Desired results —  
46 purpose and scope.

47 1. It is intended that through the early childhood  
48 Iowa initiative every community in Iowa will develop  
49 the capacity and commitment for using local, informed  
50 decision making to achieve the following set of desired

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1 results for improving the quality of life in this state  
2 for young children and their families:  
3 a. Healthy children.  
4 b. Children ready to succeed in school.  
5 c. Safe and supportive communities.  
6 d. Secure and nurturing families.  
7 e. Secure and nurturing early learning  
8 environments.  
9 2. The purpose of creating the early childhood Iowa  
10 initiative is to empower individuals, communities, and  
11 state level partners to achieve the desired results.  
12 The desired results will be achieved as private and  
13 public entities work collaboratively. This initiative  
14 creates a partnership between communities and state  
15 level partners to support children zero through  
16 age five and their families. The role of the early  
17 childhood Iowa state board, area boards, and other  
18 state and local government agencies is to provide  
19 support, leadership, and facilitation of the growth  
20 of individual, community, and state responsibility in  
21 addressing the desired results.  
22 3. To achieve the desired results, the initiative's  
23 primary focus shall be on the efforts of the state and  
24 communities to work together to improve the efficiency  
25 and effectiveness of early care, education, health, and  
26 human services provided to families with children from  
27 zero through age five.  
28 Sec. \_\_\_\_ NEW SECTION. 256I.3 Early childhood Iowa  
29 state board created.  
30 1. The early childhood Iowa state board is  
31 created to promote a vision for a comprehensive early  
32 care, education, health, and human services system  
33 in this state. The board shall oversee state and  
34 local efforts. The vision shall be achieved through  
35 strategic planning, funding identification, guidance,  
36 and decision-making authority to assure collaboration  
37 among state and local early care, education, health,  
38 and human services systems.  
39 2. a. The board shall consist of twenty-one voting  
40 members with fifteen citizen members and six state  
41 agency members. The six state agency members shall  
42 be the directors or their designees of the following  
43 departments: economic development, education, human  
44 rights, human services, public health, and workforce  
45 development. The designees of state agency directors  
46 shall be selected on an annual basis. The citizen  
47 members shall be appointed by the governor, subject  
48 to confirmation by the senate. The governor's  
49 appointments of citizen members shall be made in  
50 a manner so that each of the state's congressional

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1 districts is represented by at least two citizen  
2 members and so that all the appointments as a whole  
3 reflect the ethnic, cultural, social, and economic  
4 diversity of the state.

5 b. The governor's appointees shall be selected from  
6 individuals nominated by area boards. The nominations  
7 shall reflect the range of interests represented on the  
8 area boards so that the governor is able to appoint one  
9 or more members each for early care, education, health,  
10 human services, business, faith, and public interests.  
11 At least one of the citizen members shall be a service  
12 consumer or the parent of a service consumer. The term  
13 of office of the citizen members is three years. A  
14 citizen member vacancy on the board shall be filled in  
15 the same manner as the original appointment for the  
16 balance of the unexpired term.

17 3. Citizen members shall be reimbursed for actual  
18 and necessary expenses incurred in performance of their  
19 duties. Citizen members shall be paid a per diem as  
20 specified in section 7E.6.

21 4. In addition to the voting members, the state  
22 board shall include four members of the general  
23 assembly with not more than one member from each  
24 chamber being from the same political party. The two  
25 senators shall be appointed one each by the majority  
26 leader of the senate and by the minority leader of the  
27 senate. The two representatives shall be appointed one  
28 each by the speaker of the house of representatives and  
29 by the minority leader of the house of representatives.  
30 Legislative members shall serve in an ex officio,  
31 nonvoting capacity. A legislative member is eligible  
32 for per diem and expenses as provided in section 2.10.

33 5. The state board shall elect a chairperson from  
34 among the citizen members and may select other officers  
35 from the voting members as determined to be necessary  
36 by the board. The board shall meet regularly as  
37 determined by the board, upon the call of the board's  
38 chairperson, or upon the call of a majority of voting  
39 members. The board shall meet at least quarterly.

40 Sec. \_\_\_\_ NEW SECTION. 256I.4 Early childhood Iowa  
41 state board duties.

42 The state board shall perform the following duties:

43 1. Provide oversight of early childhood Iowa areas.

44 2. Manage and coordinate the provision of grant  
45 funding and other moneys made available to early  
46 childhood Iowa areas by combining all or portions of  
47 appropriations or other revenues as authorized by law.

48 3. Approve the geographic boundaries for the early  
49 childhood Iowa areas throughout the state and approve  
50 any proposed changes in the boundaries.

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1 4. Create a strategic plan that supports a  
2 comprehensive system of early care, education, health,  
3 and human services. The strategic plan shall be  
4 developed with extensive community involvement.  
5 The strategic plan shall be annually updated and  
6 disseminated to the public. Specific items to be  
7 addressed in the strategic plan shall include but are  
8 not limited to all of the following:  
9 a. Provisions to strengthen the state structure  
10 including interagency levels of collaboration,  
11 coordination, and integration.  
12 b. Provisions for building public-private  
13 partnerships.  
14 c. Provisions to support consolidating, blending,  
15 and redistributing state-administered funding streams  
16 and the coordination of federal funding streams. The  
17 strategic plan shall also address integration of  
18 services provided through area boards, other state and  
19 local commissions, committees, and other bodies with  
20 overlapping and similar purposes which contribute to  
21 redundancy and fragmentation in early care, education,  
22 health, and human services programs provided to the  
23 public.  
24 d. Provisions for improving the efficiency of  
25 working with federally mandated bodies.  
26 e. Identification of indicators that measure  
27 the success of the various strategies that impact  
28 communities, families, and children. The indicators  
29 shall be developed with input from area boards.  
30 5. Adopt common performance measures and data for  
31 services, programs, and activities provided by area  
32 boards. Data from common performance measures shall be  
33 included in the state board's annual report.  
34 6. Assist with the linkage of child welfare and  
35 juvenile justice decategorization projects with early  
36 childhood Iowa areas.  
37 7. Coordinate and respond to requests from an area  
38 board relating to any of the following:  
39 a. Waiver of existing rules, federal regulation, or  
40 amendment of state law, or removal of other barriers.  
41 b. Pooling and redirecting of existing federal,  
42 state, or other public or private funds.  
43 c. Seeking of federal waivers.  
44 d. Consolidating community-level committees,  
45 planning groups, and other bodies with common  
46 memberships formed in response to state requirements.  
47 8. Develop and implement a levels of excellence  
48 rating system for use with the state board's  
49 designation process for area boards. Allow for  
50 flexibility and creativity of area boards in

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1 implementing area board responsibilities and  
2 provide authority for the area boards to support  
3 the communities in the areas served. The levels  
4 of excellence rating system shall utilize a tiered  
5 approach for recognizing the performance of an area  
6 board. The system shall provide for action to address  
7 poor performing areas as well as higher performing  
8 areas. If an area board achieves the highest rating  
9 level, the state board shall allow special flexibility  
10 provisions in regard to the funding appropriated or  
11 allocated for that area board. The state board may  
12 determine how often area boards are reviewed under the  
13 system.

14 9. Adopt rules pursuant to chapter 17A as necessary  
15 for the designation, governance, and oversight of area  
16 boards and the administration of this chapter. The  
17 state board shall provide for area board input in the  
18 rules adoption process.

19 10. Develop guidelines for recommended insurance  
20 or other liability coverage and take other actions to  
21 assist area boards in acquiring such coverage at a  
22 reasonable cost. Moneys expended by an area board to  
23 acquire necessary insurance or other liability coverage  
24 shall be considered an administrative cost.

25 11. In January each year, submit an annual report  
26 to the governor and general assembly that includes but  
27 is not limited to all of the following:

28 a. Any updates to the strategic plan.

29 b. The status and results of the early childhood  
30 Iowa initiative efforts to engage the public regarding  
31 the early care, education, health, human services, and  
32 other needs of children zero through age five.

33 c. The status and results of the efforts to develop  
34 and promote private sector involvement with the early  
35 care system.

36 d. The status of the early childhood Iowa  
37 initiative and the overall early care system in  
38 achieving the set of desired results.

39 e. The data and common performance measures  
40 addressed by the strategic plan, which shall include  
41 but is not limited to funding amounts.

42 f. The indicators addressed by the strategic plan  
43 along with associated data trends and their source.

44 12. Integrate statewide quality standards and  
45 results indicators adopted by other boards and  
46 commissions into the state board's funding requirements  
47 for investments in early care, health, education, and  
48 human services.

49 13. Ensure alignment of other state departments'  
50 activities with the strategic plan.

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- 1 14. Develop and keep current memoranda of  
2 agreements between the state agencies represented  
3 on the state board to promote system development  
4 and integration and to clarify the roles and  
5 responsibilities of partner agencies.
- 6 15. Work with the early childhood coordination  
7 center in building public-private partnerships for  
8 promoting the collaborative early care, education,  
9 health, and human services system.
- 10 16. Support and align the early childhood Iowa  
11 internet site with other agencies and improve internet  
12 communication.
- 13 17. Adopt rules to implement this chapter. The  
14 rules shall include but are not limited to the  
15 following:
- 16 a. Indicators of the effectiveness of early  
17 childhood Iowa areas, area boards, and the services  
18 provided under the auspices of the area boards. The  
19 indicators shall be developed with input from area  
20 boards and shall build upon the core indicators of  
21 effectiveness for the school ready children grant  
22 program.
- 23 b. Minimum standards to further the provision of  
24 equal access to services subject to the authority of  
25 area boards.
- 26 c. Core functions for family support services,  
27 parent education programs, preschool services provided  
28 under a school ready children grant, and other programs  
29 and services provided under this chapter. The state  
30 board shall also develop guidelines and standards for  
31 state-supported family support programs, based upon  
32 existing guidelines and standards for the services.
- 33 18. Address other measures to advance the  
34 initiative. The measures may include any of the  
35 following:
- 36 a. Advance the development of integrated data  
37 systems.
- 38 b. Expand efforts to improve quality and utilize  
39 evidence-based practices.
- 40 c. Further develop kindergarten assessment  
41 approaches that are tied to state early learning  
42 standards.
- 43 Sec. \_\_. NEW SECTION. 256I.5 Early childhood  
44 coordination center.
- 45 1. The department shall provide administrative  
46 support for implementation of the early childhood Iowa  
47 initiative and for the state board.
- 48 2. a. The early childhood coordination center  
49 is established as a work unit of the department to  
50 provide a center for facilitation, communication, and

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1 coordination for early childhood Iowa activities and  
2 funding and for improvement of the individual early  
3 care, education, health, and human services systems and  
4 the comprehensive system.

5 b. Staffing for the center shall be provided  
6 by a project director, a deputy, a family support  
7 coordinator, and a first years first coordinator.  
8 Dedicated fiscal staff and support staff may be  
9 designated, subject to an appropriation made for this  
10 purpose. The project director shall be appointed by  
11 the governor, subject to confirmation by the senate,  
12 and shall serve at the pleasure of the governor.  
13 The center shall submit reports to the governor,  
14 state board, and the general assembly. The project  
15 director shall provide primary staffing to the board,  
16 coordinate state technical assistance activities and  
17 implementation of the technical assistance system, and  
18 oversee other communication and coordination functions.

19 3. The state agencies represented on the state  
20 board may designate additional staff, as part of  
21 the early childhood Iowa initiative, to work as  
22 a technical assistance team with the center in  
23 providing coordination and other support to the state's  
24 comprehensive early care, education, health, and human  
25 services system.

26 4. The center shall work with the state and area  
27 boards to provide leadership for comprehensive system  
28 development. The center shall also do all of the  
29 following:

30 a. Enter into memoranda of agreement with the  
31 departments of economic development, education, human  
32 rights, human services, public health, and workforce  
33 development to formalize the respective departments'  
34 commitments to collaborating with and integrating a  
35 comprehensive early care, education, health, and human  
36 services system. Items addressed in the memoranda  
37 shall include but are not limited to data sharing and  
38 providing staffing to the technical assistance team.

39 b. Work with private businesses, foundations, and  
40 nonprofit organizations to develop sustained funding.

41 c. Maintain the internet site in accordance with  
42 section 256I.10.

43 d. Propose any needed revisions to administrative  
44 rules based on stakeholder input.

45 e. Provide technical support to the state and area  
46 boards and to the early childhood Iowa areas through  
47 staffing services made available through the state  
48 agencies that serve on the state board.

49 f. Develop, collect, disseminate, and provide  
50 guidance for common performance measures for the



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1 programs receiving funding under the auspices of the  
2 area boards.

3 g. If a disagreement arises within an early  
4 childhood Iowa area regarding the interests represented  
5 on the area's board, board decisions, or other disputes  
6 that cannot be locally resolved, upon request, provide  
7 state or regional technical assistance as deemed  
8 appropriate by the center to assist the area in  
9 resolving the disagreement.

10 Sec. \_\_\_\_ NEW SECTION. 256I.6 Early childhood Iowa  
11 areas.

12 1. The purpose of an early childhood Iowa area is  
13 to enable local citizens to lead collaborative efforts  
14 involving early care, education, health, and human  
15 services on behalf of the children, families, and other  
16 citizens residing in the area. Leadership functions  
17 may include but are not limited to strategic planning  
18 for and oversight and managing of such programs and  
19 the funding made available to the early childhood Iowa  
20 area for such programs from federal, state, local,  
21 and private sources. The focus of the area shall be  
22 to achieve the desired results and to improve other  
23 results for families with young children.

24 2. An early childhood Iowa area shall be designated  
25 by using existing county boundaries to the extent  
26 possible.

27 3. The designation of an early childhood Iowa  
28 area boundaries and the creation of an area board  
29 are both subject to the approval of the state board.  
30 The state board shall determine if a proposed area  
31 board can efficiently and effectively administer  
32 the responsibilities and authority of the area to be  
33 served. The state board may apply additional criteria  
34 for designating areas and approving area boards, but  
35 shall apply all of the following minimum criteria:

36 a. An area cannot encompass more than four  
37 counties.

38 b. The counties encompassing a multicounty area  
39 must have contiguous borders.

40 c. A single county area shall have a minimum  
41 population of children zero through age five in excess  
42 of five thousand, based on the most recent population  
43 estimates issued by the United States bureau of the  
44 census.

45 4. If the state board determines exceptional  
46 circumstances exist, the state board may waive any of  
47 the criteria otherwise specified in subsection 3.

48 Sec. \_\_\_\_ NEW SECTION. 256I.7 Early childhood Iowa  
49 area boards created.

50 1. a. The early childhood Iowa functions for

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1 an area shall be performed under the authority of an  
2 early childhood Iowa area board. A majority of the  
3 members of an area board shall be elected officials  
4 or members of the public who are not employed by a  
5 provider of services to or for the area board. In  
6 addition, the membership of an area board shall include  
7 representation from early care, education, health,  
8 human services, business, and faith interests, and at  
9 least one parent, grandparent, or guardian of a child  
10 from zero through age five. The education, health, and  
11 human services agencies represented on an area board  
12 may receive funding from the area board.

13 b. Terms of office of area board members shall  
14 be not more than three years and the terms shall be  
15 staggered.

16 2. An area board may designate an advisory council  
17 consisting of persons employed by or otherwise paid to  
18 represent an entity listed in subsection 1 or other  
19 provider of service. However, the deliberations of and  
20 documents considered by such an advisory council shall  
21 be public.

22 3. An area board shall elect a chairperson  
23 from among the members who are citizens or elected  
24 officials.

25 4. An area board is a unit of local government for  
26 purposes of chapter 670, relating to tort liability  
27 of governmental subdivisions. For purposes of  
28 implementing a formal organizational structure, an area  
29 board may utilize recommended guidelines and bylaws  
30 established for this purpose by the state board.

31 5. All meetings of an area board or any committee  
32 or other body established by an area board at which  
33 public business is discussed or formal action taken  
34 shall comply with the requirements of chapter 21. An  
35 area board shall maintain its records in accordance  
36 with chapter 22.

37 Sec. \_\_. NEW SECTION. 256I.8 Early childhood Iowa  
38 area board duties.

39 1. An early childhood Iowa area board shall do all  
40 of the following:

41 a. Designate a fiscal agent for grant moneys or  
42 for other moneys administered by the area board. The  
43 fiscal agent shall meet the qualifications developed  
44 by the state board.

45 b. Administer early childhood Iowa grant moneys  
46 available from the state to the area board as provided  
47 by law and other federal, state, local, and private  
48 moneys made available to the area board. Eligibility  
49 for receipt of early childhood Iowa grant moneys shall  
50 be limited to those early childhood area boards that

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- 1 have developed an approved community plan in accordance  
2 with this chapter. An early childhood area board  
3 may apply to the state board for any private moneys  
4 received by the early childhood Iowa initiative outside  
5 of a state appropriation.
- 6 c. Develop a comprehensive community plan for  
7 providing services for children from zero through  
8 age five. At a minimum, the plan shall do all of the  
9 following:
- 10 (1) Describe community and area needs for children  
11 from zero through age five as identified through  
12 ongoing assessments.
- 13 (2) Describe the current and desired levels of  
14 community and area coordination of services for  
15 children from zero through age five, including the  
16 involvement and specific responsibilities of all  
17 related organizations and entities.
- 18 (3) Identify all federal, state, local, and private  
19 funding sources including funding estimates available  
20 in the early childhood Iowa area that will be used  
21 to provide services to children from zero through age  
22 five.
- 23 (4) Describe how funding sources will be used  
24 collaboratively and the degree to which the sources  
25 can be combined to provide necessary services to young  
26 children and their families.
- 27 (5) Identify the desired results and the  
28 community-wide indicators the area board  
29 expects to address through implementation of the  
30 comprehensive community plan. The plan shall identify  
31 community-specific, quantifiable performance measures  
32 to be reported in the area board's annual report and  
33 integration with the strategic plan adopted by the  
34 state board.
- 35 (6) Describe the current status of support services  
36 to prevent the spread of infectious diseases, prevent  
37 child injuries, develop health emergency protocols,  
38 help with medication, and care for children with  
39 special health needs that are being provided to child  
40 care facilities registered or licensed under chapter  
41 237A within the early childhood Iowa area.
- 42 d. Submit an annual report on the effectiveness of  
43 the community plan in addressing school readiness and  
44 children's health and safety needs to the state board  
45 and to the local government bodies in the area. The  
46 annual report shall indicate the effectiveness of the  
47 area board in addressing state and locally determined  
48 goals.
- 49 e. Function as a coordinating body for services  
50 offered by different entities directed to similar

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- 1 purposes within the area.  
2 f. Assume other responsibilities established by law  
3 or administrative rule.  
4 g. Cooperate with the state board, department  
5 of education, and school districts and other local  
6 education agencies in securing unique student  
7 identifiers, in compliance with all applicable federal  
8 and state confidentiality provisions.
- 9 2. An area board may do any of the following:  
10 a. Designate one or more committees to assist with  
11 area board functions.  
12 b. Utilize community bodies for input to the area  
13 board and implementation of services.
- 14 Sec. \_\_. NEW SECTION. 256I.9 School ready  
15 children grant program.
- 16 1. The state board shall develop and promote a  
17 school ready children grant program which shall provide  
18 for all of the following components:  
19 a. Identify the performance measures that will  
20 be used to assess the effectiveness of the school  
21 ready children grants, including the amount of early  
22 intellectual stimulation of very young children, the  
23 basic skill levels of students entering school, the  
24 health status of children, the incidence of child  
25 abuse and neglect, the level of involvement by parents  
26 with their children, and the degree of quality of an  
27 accessibility to child care.  
28 b. Identify guidelines and a process to be used for  
29 determining the readiness of an early childhood Iowa  
30 area board for administering a school ready children  
31 grant.  
32 c. Provide for technical assistance concerning  
33 funding sources, program design, and other pertinent  
34 areas.
- 35 2. The state board shall provide maximum  
36 flexibility to grantees for the use of the grant moneys  
37 included in a school ready children grant.
- 38 3. A school ready children grant shall, to the  
39 extent possible, be used to support programs that meet  
40 quality standards identified by the state board. At a  
41 minimum, a grant shall be used to provide all of the  
42 following:  
43 a. Preschool services provided on a voluntary basis  
44 to children deemed at risk.  
45 b. Family support services and parent education  
46 programs promoted to parents of children from zero  
47 through age five. Family support services shall  
48 include but are not limited to home visitation.  
49 c. Other services to support the strategic plan  
50 developed by the state board.

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1 d. Services to improve the quality and availability  
2 of all types of child care. The services may include  
3 but are not limited to making nurse consultants  
4 available to support quality improvement.

5 4. a. A school ready children grant shall be  
6 awarded to an area board annually, as funding is  
7 available. Receipt of continued funding is subject  
8 to submission of the required annual report and the  
9 state board's determination that the area board is  
10 measuring, through the use of performance measures  
11 and community-wide indicators developed by the state  
12 board with input from area boards, progress toward and  
13 is achieving the desired results and other results  
14 identified in the community plan. Each area board  
15 shall participate in the levels of excellence rating  
16 system to measure the area's success. If the use of  
17 performance measures and community-wide indicators does  
18 not show that an area board has made progress toward  
19 achieving the results identified in the community  
20 plan, the state board may request a plan of corrective  
21 action, withhold any increase in funding, or withdraw  
22 grant funding.

23 b. The state board shall distribute school  
24 ready children grant moneys to area boards with  
25 approved comprehensive community plans based upon  
26 a determination of an early childhood Iowa area's  
27 readiness to effectively utilize the grant moneys.  
28 The grant moneys shall be adjusted for other federal  
29 and state grant moneys to be received by the area for  
30 services to children from zero through age five.

31 c. An area board's readiness shall be determined  
32 by evidence of successful collaboration among public  
33 and private early care, education, health, and  
34 human services interests in the area or a documented  
35 program design that supports a strong likelihood of  
36 a successful collaboration between these interests.  
37 Other criteria which may be used by the state board  
38 to determine readiness and evaluate the funding  
39 flexibility for an area include one or more of the  
40 following:

41 (1) The levels of excellence rating received by the  
42 area.

43 (2) Experience or other evidence of the area's  
44 capacity to successfully implement the services in the  
45 area's community plan.

46 (3) Local public and private funding and other  
47 resources committed to implementation of the community  
48 plan.

49 (4) The adequacy of plans for commitment of local  
50 funding and other resources for implementation of the

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1 community plan.  
2 d. The provisions for distribution of school ready  
3 children grant moneys shall be determined by the state  
4 board.  
5 e. The amount of school ready children grant  
6 funding an area board may carry forward from one fiscal  
7 year to the succeeding fiscal year shall not exceed  
8 twenty percent of the grant amount for the fiscal year.  
9 All of the school ready children grant funds received  
10 by an area board for a fiscal year which remain  
11 unencumbered or unobligated at the close of a fiscal  
12 year shall be carried forward to the succeeding fiscal  
13 year. However, the grant amount for the succeeding  
14 fiscal year shall be reduced by the amount in excess  
15 of twenty percent of the grant amount received for the  
16 fiscal year.  
17 Sec. \_\_. NEW SECTION. 256I.10 Early childhood  
18 Iowa internet site.  
19 1. The department shall provide for the operation  
20 of an internet site for purposes of widely distributing  
21 information regarding early care, education, health,  
22 and human services and other information provided  
23 by the departments represented on the state board  
24 and the public and private agencies addressing the  
25 comprehensive system for such services.  
26 2. Information provided on the internet site shall  
27 include but is not limited to all of the following:  
28 a. Information about the early childhood Iowa  
29 initiative for state and local use.  
30 b. A link to a special internet site directed to  
31 parents, including parent-specific information on early  
32 care, education, health, and human services and links  
33 to other resources available on the internet and from  
34 other sources.  
35 c. Program standards for early care, education,  
36 health, and human services that have been approved by  
37 state agencies.  
38 3. The department shall provide to the state board  
39 information regarding the extent and frequency of usage  
40 of the internet site or sites and this information  
41 shall be included in the board's annual report to the  
42 governor and general assembly.  
43 Sec. \_\_. NEW SECTION. 256I.11 Early childhood  
44 Iowa fund.  
45 1. An early childhood Iowa fund is created in  
46 the state treasury. The moneys credited to the  
47 fund are not subject to section 8.33 and moneys in  
48 the fund shall not be transferred, used, obligated,  
49 appropriated, or otherwise encumbered except as  
50 provided by law. Notwithstanding section 12C.7,

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1 subsection 2, interest or earnings on moneys deposited  
2 in the fund shall be credited to the fund.

3 2. A school ready children grants account is  
4 created in the fund under the authority of the director  
5 of the department of education. Moneys credited to  
6 the account shall be distributed by the department  
7 in the form of grants to early childhood Iowa areas  
8 pursuant to criteria established by the state board in  
9 accordance with law.

10 3. Unless a different amount is authorized by law,  
11 up to five percent of the school ready children grant  
12 moneys distributed to an area board may be used by the  
13 area board for administrative costs.

14 4. a. An early childhood programs grants account  
15 is created in the fund under the authority of the  
16 director of the department of management. Moneys  
17 credited to the account under the auspices of the  
18 department of human services are appropriated to and  
19 shall be distributed by the department of management  
20 in the form of grants to early childhood Iowa areas  
21 pursuant to criteria established by the state board  
22 in accordance with law. The criteria shall include  
23 but are not limited to a requirement that an early  
24 childhood Iowa area must be designated by the state  
25 board in order to be eligible to receive an early  
26 childhood programs grant.

27 b. The maximum funding amount an early childhood  
28 Iowa area is eligible to receive from the early  
29 childhood programs grant account for a fiscal year  
30 shall be determined by applying the area's percentage  
31 of the state's average monthly family investment  
32 program population in the preceding fiscal year to the  
33 total amount credited to the account for the fiscal  
34 year.

35 c. An early childhood Iowa area receiving funding  
36 from the early childhood programs grant account  
37 shall comply with any federal reporting requirements  
38 associated with the use of that funding and other  
39 results and reporting requirements established by the  
40 state board. The early childhood coordination center  
41 shall provide technical assistance in identifying and  
42 meeting the federal requirements. The availability of  
43 funding provided from the account is subject to changes  
44 in federal requirements and amendments to Iowa law.

45 d. The moneys distributed from the early childhood  
46 programs grant account shall be used by early childhood  
47 Iowa areas for the purposes of enhancing quality child  
48 care capacity in support of parent capability to obtain  
49 or retain employment. The moneys shall be used with a  
50 primary emphasis on low-income families and children

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1 from zero to age five. Moneys shall be provided  
2 in a flexible manner and shall be used to implement  
3 strategies identified by the early childhood Iowa area  
4 to achieve such purposes. The department of management  
5 may use a portion of the funding appropriated to the  
6 department under this subsection for provision of  
7 technical assistance and other support to the early  
8 childhood Iowa areas developing and implementing  
9 strategies with grant moneys distributed from the  
10 account.

11 e. Moneys from a federal block grant that are  
12 credited to the early childhood programs grant account  
13 but are not distributed to an early childhood Iowa area  
14 or otherwise remain unobligated or unexpended at the  
15 end of the fiscal year shall revert to the fund created  
16 in section 8.41 to be available for appropriation by  
17 the general assembly in a subsequent fiscal year.

18 5. A first years first account is created in  
19 the fund under the authority of the department of  
20 management. The account shall consist of gift or grant  
21 moneys obtained from any source, including but not  
22 limited to the federal government. Moneys credited to  
23 the account are appropriated to the department to be  
24 used for the early childhood-related purposes for which  
25 the moneys were received.

26 Sec. \_\_\_\_. Section 135.106, subsection 3, Code 2009,  
27 is amended to read as follows:

28 3. It is the intent of the general assembly to  
29 provide communities with the discretion and authority  
30 to redesign existing local programs and services  
31 targeted at and assisting families expecting babies  
32 and families with children who are newborn through  
33 five years of age. The Iowa department of public  
34 health, department of human services, department of  
35 education, and other state agencies and programs, as  
36 appropriate, shall provide technical assistance and  
37 support to communities desiring to redesign their  
38 local programs and shall facilitate the consolidation  
39 of existing state funding appropriated and made  
40 available to the community for family support services.  
41 Funds which are consolidated in accordance with this  
42 subsection shall be used to support the redesigned  
43 service delivery system. In redesigning services,  
44 communities are encouraged to implement a single  
45 uniform family risk assessment mechanism and shall  
46 demonstrate the potential for improved outcomes for  
47 children and families. Requests by local communities  
48 for the redesigning of services shall be submitted to  
49 the Iowa department of public health, department of  
50 human services, and department of education, and are



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1 subject to the approval of the early childhood Iowa  
 2 ~~empowerment state~~ board in consultation with the  
 3 departments, based on the practices utilized with  
 4 ~~community empowerment~~ early childhood Iowa areas under  
 5 chapter ~~28~~ 256I.

6 Sec. \_\_\_\_ Section 135.119, subsection 2, paragraph  
 7 d, Code Supplement 2009, is amended to read as follows:

8 d. The program plan shall incorporate a multiyear,  
 9 collaborative approach for implementation of the  
 10 plan. The plan shall address how to involve those who  
 11 regularly work with parents and persons responsible for  
 12 the care of a child, including but not limited to child  
 13 abuse prevention programs, child care resource and  
 14 referral programs, child care providers, family support  
 15 programs, programs receiving funding through the  
 16 ~~community empowerment~~ early childhood Iowa initiative,  
 17 public and private schools, health care providers,  
 18 local health departments, birth centers, and birthing  
 19 hospitals.

20 Sec. \_\_\_\_ Section 135.159, subsection 3, paragraph  
 21 i, Code Supplement 2009, is amended to read as follows:

22 i. For children, coordinate with and integrate  
 23 guidelines, data, and information from existing newborn  
 24 and child health programs and entities, including but  
 25 not limited to the healthy opportunities for parents  
 26 to experience success – healthy families Iowa program,  
 27 the ~~community empowerment program~~ early childhood Iowa  
 28 initiative, the center for congenital and inherited  
 29 disorders screening and health care programs, standards  
 30 of care for pediatric health guidelines, the office of  
 31 multicultural health established in section 135.12, the  
 32 oral health bureau established in section 135.15, and  
 33 other similar programs and services.

34 Sec. \_\_\_\_ Section 135.173, Code 2009, is amended to  
 35 read as follows:

36 135.173 Early childhood ~~Iowa council~~ stakeholders  
 37 alliance.

38 1. Council Alliance created. An early childhood  
 39 ~~Iowa council stakeholders alliance~~ is created ~~as an~~  
 40 ~~alliance of stakeholders in~~ to address the early care,  
 41 health, and education systems that affect children ages  
 42 zero through five in Iowa.

43 2. Purpose. The purpose of the early childhood  
 44 ~~Iowa council stakeholders alliance~~ is to oversee and  
 45 provide broad input into the development of ~~an~~ a high  
 46 quality Iowa early childhood system ~~by integrating~~  
 47 ~~the early care, health, and education systems~~  
 48 ~~addressing that meets~~ the needs of children ages  
 49 zero through five and their families and integrates  
 50 the early care, health, and education systems. The

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1 ~~council alliance~~ shall advise the governor, general  
2 assembly, and public and private policy bodies and  
3 service providers in coordinating activities throughout  
4 the state to fulfill its purpose.

5 3. Vision statement. All system development  
6 activities addressed by the early childhood ~~Iowa~~  
7 ~~council stakeholders alliance~~ shall be aligned around  
8 the following vision statement for the children of  
9 Iowa: "Every child, beginning at birth, will be  
10 healthy and successful."

11 4. Membership. The early childhood ~~Iowa~~  
12 ~~council stakeholders alliance~~ membership shall  
13 include a representative of any organization that  
14 touches the lives of young children in the state  
15 ages zero through five, has endorsed the purpose  
16 and vision statement for the ~~council alliance~~,  
17 has endorsed the guiding principles adopted by the  
18 ~~council alliance~~ for the early childhood system,  
19 and has formally asked to be a member and remains  
20 actively engaged in ~~council alliance~~ activities.  
21 The ~~council alliance~~ shall work to ensure there is  
22 geographic, cultural, and ethnic diversity among the  
23 membership.

24 5. Procedure. Except as otherwise provided by  
25 law, the early childhood ~~Iowa council stakeholders~~  
26 ~~alliance~~ shall determine its own rules of procedure and  
27 operating provisions.

28 6. Steering committee. The early childhood  
29 ~~Iowa council stakeholders alliance~~ shall operate  
30 with a steering committee to organize, manage, and  
31 coordinate the activities of the ~~council alliance~~ and  
32 its component groups. The steering committee may act  
33 on behalf of the ~~council alliance~~ as necessary. The  
34 steering committee membership shall consist of the  
35 co-chairpersons of the ~~council's alliance's~~ component  
36 groups, ~~the chairperson of the state agency liaison~~  
37 ~~team, the community empowerment facilitator or the~~  
38 ~~facilitator's designee, the primary staff person~~  
39 ~~for the early childhood Iowa state board created~~  
40 ~~in chapter 256I, a staff member of the early~~  
41 ~~childhood coordination center of the department~~  
42 ~~of management, and other leaders designated by the~~  
43 ~~council alliance.~~

44 7. Component groups. The early childhood ~~Iowa~~  
45 ~~council stakeholders alliance~~ shall maintain component  
46 groups to address the key components of the Iowa early  
47 childhood system. Each component group shall have one  
48 private and one public agency co-chairperson. The  
49 ~~council alliance~~ may change the component groups as  
50 deemed necessary by the ~~advisory council alliance.~~

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- 1 Initially, there shall be a component group for each  
 2 of the following:
- 3 a. Governance planning and administration.
  - 4 b. Professional development.
  - 5 c. Public engagement.
  - 6 d. Quality services and programs.
  - 7 e. Resources and funding.
  - 8 f. Results accountability.
  - 9 8. State agency liaison team. A state agency  
 10 liaison team shall provide input into the efforts of  
 11 the early childhood ~~Iowa council~~ stakeholders alliance.  
 12 In addition to designees of the governor, the team  
 13 shall consist of the directors or chief administrators,  
 14 or their designees, from the following state agencies  
 15 and programs:
    - 16 a. Child health specialty clinics.
    - 17 b. ~~Office of community empowerment in the~~  
 18 ~~department of management~~ Early childhood Iowa state  
 19 board staff.
    - 20 c. Department of education.
    - 21 d. Department of education, office of head start  
 22 collaboration.
    - 23 e. Division of libraries and information services  
 24 of the department of education.
    - 25 ~~e. f.~~ Office of the governor.
    - 26 ~~f. g.~~ Department of human rights.
    - 27 ~~g. h.~~ Department of human services.
    - 28 ~~h. i.~~ Postsecondary education institutions,  
 29 including but not limited to institutions of higher  
 30 learning under the control of the state board of  
 31 regents and Iowa community colleges.
    - 32 ~~i.~~ Department of management.
    - 33 ~~i. k.~~ Department of public health.
    - 34 l. Department of workforce development.
  - 35 9. Duties. ~~In addition to the advisory function~~  
 36 ~~specified in subsection 2, the~~ The early childhood Iowa  
 37 ~~council's~~ stakeholders alliance duties shall include  
 38 but are not limited to all of the following regarding  
 39 the Iowa early childhood system:
    - 40 a. Coordinate with the early childhood Iowa state  
 41 board concerning the development and implementation of  
 42 ~~a~~ the strategic plan required under chapter 256I. The  
 43 coordination and development activities shall emphasize  
 44 strengthening the early childhood system components  
 45 enumerated in this section.
    - 46 b. Serve as the state advisory council required  
 47 under the federal Improving Head Start for School  
 48 Readiness Act of 2007, Pub. L. No. 110-134, if  
 49 designated by the governor.
    - 50 c. Work to secure necessary funding support for

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1 strengthening the design and implementation of a  
 2 high quality early childhood system. The support may  
 3 include but is not limited to federal funding available  
 4 for planning under early childhood comprehensive  
 5 service system grants by the federal maternal and child  
 6 health bureau and federal early learning challenge  
 7 grants.

8 d. Assist in the development of responsibilities  
 9 across agencies and ~~other entities to achieve strategic~~  
 10 ~~goals between the state board and area boards for the~~  
 11 ~~early childhood Iowa initiative under chapter 256I to~~  
 12 ~~develop and maintain a high quality early childhood~~  
 13 ~~system in the state.~~

14 e. e. Work with the early childhood Iowa  
 15 ~~empowerment board state board~~ in developing  
 16 public-private partnerships to support the early  
 17 childhood system through the first years first account  
 18 in the early childhood Iowa empowerment fund and other  
 19 efforts for expanding investment of private funding  
 20 in the early childhood system. ~~As this and similar~~  
 21 ~~efforts to expand and coordinate investments from all~~  
 22 ~~public and private sources evolve and mature, make~~  
 23 ~~recommendations for designation of or contracting~~  
 24 ~~with a private nonprofit organization to serve as a~~  
 25 ~~fiscal agent for the early childhood system or another~~  
 26 ~~approach for increasing public and private investment~~  
 27 ~~in the system.~~

28 d. f. Report annually by December 31 to the  
 29 governor and general assembly. The report content  
 30 shall include but is not limited to all of the  
 31 following:

32 (1) The status and results of the  
 33 council's ~~alliance's~~ efforts to engage the public  
 34 regarding the early care, health, and education needs  
 35 of children ages zero through five and the efforts to  
 36 develop and promote private sector involvement with the  
 37 early childhood system.

38 (2) The status of the community empowerment early  
 39 childhood Iowa initiative and the overall early  
 40 childhood system in achieving the following initial set  
 41 of desired results identified in ~~section 28.2~~ chapter  
 42 256I:

43 (a) Healthy children.

44 (b) Children ready to succeed in school.

45 (c) Safe and supportive communities.

46 (d) Secure and nurturing families.

47 (e) Secure and nurturing early care and education  
 48 environments.

49 10. Staff support for the early childhood  
 50 stakeholders alliance shall be provided by the

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1 department of public health.

2 Sec. \_\_\_\_ Section 135.174, subsection 1, Code 2009,  
3 is amended to read as follows:

4 1. The lead agency for support of the early  
5 childhood ~~Iowa council stakeholders alliance~~ for state  
6 agency efforts to develop an early childhood system for  
7 Iowa shall be the department of public health.

8 Sec. \_\_\_\_ Section 135.174, subsection 2, unnumbered  
9 paragraph 1, Code 2009, is amended to read as follows:

10 The department shall work with the early childhood  
11 ~~Iowa council stakeholders alliance~~ in integrating early  
12 care, health, and education systems to develop an early  
13 childhood system for Iowa. The department shall do all  
14 of the following in developing the system:

15 Sec. \_\_\_\_ Section 142A.4, subsection 8, Code  
16 Supplement 2009, is amended to read as follows:

17 8. Assist with the linkage of the initiative with  
18 child welfare and juvenile justice decategorization  
19 projects, education programming, ~~community~~  
20 ~~empowerment~~ early childhood Iowa areas, and other  
21 programs and services directed to youth at the state  
22 and community level.

23 Sec. \_\_\_\_ Section 142A.8, subsection 2, Code 2009,  
24 is amended to read as follows:

25 2. A community partnership area shall encompass  
26 a county or multicounty area, school district or  
27 multischool district area, economic development  
28 enterprise zone that meets the requirements of an urban  
29 or rural enterprise community under ~~Title Tit.~~ XIII of  
30 the federal Omnibus Budget Reconciliation Act of 1993,  
31 or ~~community empowerment~~ early childhood Iowa area, in  
32 accordance with criteria adopted by the commission for  
33 appropriate population levels and size of geographic  
34 areas.

35 Sec. \_\_\_\_ Section 216A.140, subsection 5, paragraph  
36 j, Code Supplement 2009, is amended to read as follows:

37 ~~Office of community empowerment~~ Early childhood  
38 coordination center in the department of management.

39 Sec. \_\_\_\_ Section 217.42, subsection 1, Code 2009,  
40 is amended to read as follows:

41 1. The organizational structure to deliver the  
42 department's field services shall be based upon service  
43 areas. The service areas shall serve as a basis for  
44 providing field services to persons residing in the  
45 counties comprising the service area. The service  
46 areas shall be those designated by the department  
47 effective January 1, 2002. In determining the  
48 service areas, the department shall consider other  
49 geographic service areas including but not limited to  
50 judicial districts and ~~community empowerment~~ early

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1 childhood Iowa areas. The department shall consult  
 2 with the county boards of supervisors in a service  
 3 area with respect to the selection of the service  
 4 area manager responsible for the service area who is  
 5 initially selected for the service area designated  
 6 effective January 1, 2002, and any service area manager  
 7 selected for the service area thereafter. Following  
 8 establishment of the service areas effective January  
 9 1, 2002, if a county seeks to change the boundaries  
 10 of a service area, the change shall only take place  
 11 if the change is mutually agreeable to the department  
 12 and all affected counties. If it is necessary for the  
 13 department to significantly modify its field operations  
 14 or the composition of a designated service area, or  
 15 if it is necessary for the department to change the  
 16 number of offices operating less than full-time, the  
 17 department shall consult with the affected counties  
 18 prior to implementing such action.

19 Sec. \_\_\_\_ Section 232.188, subsection 4, paragraph  
 20 c, Code 2009, is amended to read as follows:

21 c. A decategorization governance board shall  
 22 coordinate the project's planning and budgeting  
 23 activities with the departmental service area manager  
 24 for the county or counties comprising the project area  
 25 and the ~~community empowerment~~ early childhood Iowa area  
 26 board or boards for the ~~community empowerment~~ early  
 27 childhood Iowa area or areas within which the  
 28 decategorization project is located.

29 Sec. \_\_\_\_ Section 237A.21, subsection 3, paragraph  
 30 n, Code Supplement 2009, is amended to read as follows:

31 n. One designee of the ~~community empowerment~~  
 32 ~~office~~ early childhood coordination center of the  
 33 department of management.

34 Sec. \_\_\_\_ Section 237A.21, subsection 3, paragraph  
 35 q, Code Supplement 2009, is amended to read as follows:

36 q. One person who represents the early childhood  
 37 Iowa ~~council~~ state board created in section  
 38 ~~135-173 256L.3.~~

39 Sec. \_\_\_\_ Section 237A.22, subsection 1, paragraph  
 40 j, Code Supplement 2009, is amended to read as follows:

41 j. Advise and assist the early childhood Iowa  
 42 ~~council~~ state board in developing the strategic plan  
 43 required pursuant to section ~~135-173 256L.4.~~

44 Sec. \_\_\_\_ Section 237A.26, subsection 8, Code 2009,  
 45 is amended to read as follows:

46 8. For purposes of improving the quality and  
 47 consistency of data collection, consultation, and other  
 48 support to child care home and child development home  
 49 providers, a resource and referral services agency  
 50 grantee shall coordinate and assist with publicly

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1 and privately funded efforts administered at the  
2 community level to provide the support. The support  
3 and efforts addressed by a grantee may include but are  
4 not limited to community-funded child care home and  
5 child development home consultants. Community members  
6 involved with the assistance may include but are not  
7 limited to the efforts of ~~a community empowerment an~~  
8 early childhood Iowa area board under chapter ~~28 251~~,  
9 and of community representatives of education, health,  
10 human services, business, faith, and public interests.

11 Sec. \_\_\_\_. Section 237A.30, subsection 1, Code 2009,  
12 is amended to read as follows:

13 1. The department shall work with the ~~community~~  
14 ~~empowerment office of~~ early childhood coordination  
15 center in the department of management established in  
16 section ~~28.3 256I.5~~ and the state child care advisory  
17 council in designing and implementing a voluntary  
18 quality rating system for each provider type of child  
19 care facility.

20 Sec. \_\_\_\_. Section 256C.3, subsection 3, paragraph  
21 e, Code 2009, is amended to read as follows:

22 e. Collaboration with participating families, early  
23 care providers, and community partners including but  
24 not limited to ~~community empowerment~~ early childhood  
25 Iowa area boards, head start programs, shared visions  
26 and other programs provided under the auspices of the  
27 child development coordinating council, licensed child  
28 care centers, registered child development homes,  
29 area education agencies, child care resource and  
30 referral services provided under section 237A.26, early  
31 childhood special education programs, services funded  
32 by ~~Title Tit.~~ I of the federal Elementary and Secondary  
33 Education Act of 1965, and family support programs.

34 Sec. \_\_\_\_. Section 256C.3, subsection 4, paragraph  
35 a, Code 2009, is amended to read as follows:

36 a. Methods of demonstrating community readiness  
37 to implement high-quality instruction in a local  
38 program shall be identified. The potential provider  
39 shall submit a collaborative program proposal that  
40 demonstrates the involvement of multiple community  
41 stakeholders including but not limited to, and only as  
42 applicable, parents, the school district, accredited  
43 nonpublic schools and faith-based representatives, the  
44 area education agency, the ~~community empowerment~~ early  
45 childhood Iowa area board, representatives of business,  
46 head start programs, shared visions and other programs  
47 provided under the auspices of the child development  
48 coordinating council, center-based and home-based  
49 providers of child care services, human services,  
50 public health, and economic development programs. The

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1 methods may include but are not limited to a school  
2 district providing evidence of a public hearing on  
3 the proposed programming and written documentation of  
4 collaboration agreements between the school district,  
5 existing community providers, and other community  
6 stakeholders addressing operational procedures and  
7 other critical measures.

8 Sec. \_\_\_\_ Section 256C.4, subsection 2, paragraph  
9 b, Code 2009, is amended to read as follows:

10 b. The enrollment count of eligible students shall  
11 not include a child who is included in the enrollment  
12 count determined under section 257.6 or a child who is  
13 served by a program already receiving state or federal  
14 funds for the purpose of the provision of four-year-old  
15 preschool programming while the child is being served  
16 by the program. Such preschool programming includes  
17 but is not limited to child development assistance  
18 programs provided under chapter 256A, special education  
19 programs provided under section 256B.9, school ready  
20 children grant programs and other programs provided  
21 under chapter ~~28~~ 256I, and federal head start programs  
22 and the services funded by ~~Title Tit.~~ I of the federal  
23 Elementary and Secondary Education Act of 1965.

24 Sec. \_\_\_\_ Section 279.60, Code 2009, is amended to  
25 read as follows:

26 279.60 Kindergarten assessment — access to data —  
27 reports.

28 Each school district shall administer the dynamic  
29 indicators of basic early literacy skills kindergarten  
30 benchmark assessment or other kindergarten benchmark  
31 assessment adopted by the department of education  
32 in consultation with the early childhood Iowa  
33 ~~empowerment state~~ board to every kindergarten student  
34 enrolled in the district not later than the date  
35 specified in section 257.6, subsection 1. The school  
36 district shall also collect information from each  
37 parent, guardian, or legal custodian of a kindergarten  
38 student enrolled in the district, including but not  
39 limited to whether the student attended preschool,  
40 factors identified by the early care staff childhood  
41 coordination center pursuant to section ~~28.3~~ 256I.5,  
42 and other demographic factors. Each school district  
43 shall report the results of the assessment and the  
44 preschool information collected to the department of  
45 education in the manner prescribed by the department  
46 not later than January 1 of that school year. The  
47 ~~early care staff designated pursuant to section~~  
48 ~~28.3~~ early childhood coordination center in the  
49 department of management shall have access to the raw  
50 data. The department shall review the information



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1 submitted pursuant to this section and shall submit  
2 its findings and recommendations annually in a report  
3 to the governor, the general assembly, the early  
4 childhood Iowa empowerment state board, and the  
5 ~~community empowerment early childhood Iowa~~ area board.

6 Sec. \_\_\_\_ Section 915.35, subsection 4, paragraph  
7 b, Code Supplement 2009, is amended to read as follows:

8 b. A child protection assistance team may also  
9 consult with or include juvenile court officers,  
10 medical and mental health professionals, physicians  
11 or other hospital-based health professionals,  
12 court-appointed special advocates, guardians ad litem,  
13 and members of a multidisciplinary team created by  
14 the department of human services for child abuse  
15 investigations. A child protection assistance team  
16 may work cooperatively with the ~~local community~~  
17 ~~empowerment early childhood Iowa~~ area board established  
18 under ~~section 28.6 chapter 256I~~. The child protection  
19 assistance team shall work with the department of human  
20 services in accordance with section 232.71B, subsection  
21 3, in developing the protocols for prioritizing the  
22 actions taken in response to child abuse reports and  
23 for law enforcement agencies working jointly with the  
24 department at the local level in processes for child  
25 abuse reports. The department of justice may provide  
26 training and other assistance to support the activities  
27 of a child protection assistance team.

28 Sec. \_\_\_\_ REPEALS. Chapter 28, Code and Code  
29 Supplement 2009, is repealed.

30 Sec. \_\_\_\_ IMPLEMENTATION OF ACT. Section 25B.2,  
31 subsection 3, shall not apply to this division of this  
32 Act.

33 Sec. \_\_\_\_ TRANSITION.

34 1. The initial membership of the early childhood  
35 Iowa state board shall be composed of the membership of  
36 the Iowa empowerment board.

37 2. Effective on or after July 1, 2011, as  
38 determined by the early childhood Iowa state board  
39 created pursuant to this division of this Act, the  
40 designations granted by the Iowa empowerment board to  
41 community empowerment areas and community empowerment  
42 area boards under chapter 28, Code 2009, are withdrawn.  
43 However, subject to the approval of the early childhood  
44 Iowa state board in accordance with the area board  
45 designation criteria established by this division  
46 of this Act, all or a portion of the membership of a  
47 community empowerment area board may be redesignated to  
48 serve as the membership of the initial early childhood  
49 Iowa area board for the relevant early childhood Iowa  
50 area to be served. Subject to rules to be adopted by

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1 the state board addressing redesignation of community  
 2 empowerment areas as early childhood Iowa areas,  
 3 existing multicounty community empowerment area boards  
 4 may choose to be redefined as early childhood Iowa area  
 5 boards.

6 3. Until the early childhood Iowa state board  
 7 has adopted administrative rules to implement the  
 8 provisions of chapter 256I, as enacted by this division  
 9 of this Act, the department of management shall apply  
 10 the relevant rules adopted to implement the community  
 11 empowerment initiative under chapter 28, Code 2009.  
 12 The state board shall also adopt rules addressing  
 13 transition of contracts entered into by community  
 14 empowerment area boards that include provisions in  
 15 effect on or after July 1, 2012.

16 43. Page 198, after line 6 by inserting:

17 <DIVISION \_\_\_\_

18 COMMUNITY COLLEGE ACCREDITATION

19 Sec. \_\_\_\_ Section 260C.47, subsection 1, unnumbered  
 20 paragraph 1, Code 2009, is amended to read as follows:

21 The state board of education shall establish by  
 22 rule an accreditation process for community college  
 23 programs ~~by July 1, 1997~~. The process shall be  
 24 jointly developed and agreed upon by the department  
 25 of education and the community colleges. The state  
 26 accreditation process shall be integrated with the  
 27 accreditation process of the north central association  
 28 of colleges and schools, including the evaluation  
 29 cycle, ~~the self study process~~, and the criteria for  
 30 evaluation, ~~which shall incorporate the standards for~~  
 31 ~~community colleges developed under section 260C.48;~~  
 32 ~~and shall identify and make provision for the needs~~  
 33 ~~of the state that are not met by the association's~~  
 34 ~~accreditation process. For the academic year~~  
 35 ~~commencing July 1, 1998, and in succeeding school~~  
 36 ~~years, the department of education shall use a~~  
 37 ~~two component process for the continued accreditation~~  
 38 ~~of community college programs. Beginning July 1,~~  
 39 ~~2006, the~~ The state accreditation process shall  
 40 incorporate the standards developed pursuant to section  
 41 260C.48, subsection 4 and shall include but not be  
 42 limited to procedures for correcting deficiencies,  
 43 appropriate due process procedures including a  
 44 hearing, consequences for failure to meet accreditation  
 45 standards, notification procedures, and a timeline for  
 46 the process. Action taken by the state board pursuant  
 47 to this section for failure to meet accreditation  
 48 standards is final agency action for purposes of  
 49 chapter 17A.

50 Sec. \_\_\_\_ Section 260C.47, subsection 1, paragraphs

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1 a, b, and c, Code 2009, are amended by striking the  
2 paragraphs.

3 Sec. \_\_\_\_ Section 260C.47, subsections 2 through 7,  
4 Code 2009, are amended by striking the subsections.

5 Sec. \_\_\_\_ Section 260C.48, subsection 1, unnumbered  
6 paragraph 1, Code 2009, is amended to read as follows:  
7 The state board shall develop standards and  
8 adopt rules for ~~the accreditation of~~ community college  
9 instructors and programs. Except as provided in  
10 subsection 4, the standards and rules developed and  
11 adopted shall not duplicate rules adopted for the  
12 accreditation process established pursuant to section  
13 260C.47. The department shall monitor and evaluate  
14 the standards through a process jointly developed  
15 and agreed upon by the department and the community  
16 colleges. Except as provided in this subsection  
17 and subsection 4, standards developed shall be  
18 general in nature so as to apply to more than one  
19 specific program of instruction. With regard to  
20 community college-employed instructors, the standards  
21 adopted shall at a minimum require that community  
22 college instructors who are under contract for at  
23 least half-time or more, and by July 1, 2011, all  
24 instructors, meet the following requirements:>

25 44. Page 198, before line 7 by inserting:  
26 <Sec. \_\_\_\_ Section 260C.48, subsection 2, Code  
27 2009, is amended to read as follows:  
28 2. Standards developed shall include a provision  
29 that the standard academic workload for an instructor  
30 in arts and science courses shall be fifteen credit  
31 hours per school term, and the maximum academic  
32 workload for any instructor shall be sixteen credit  
33 hours per school term, for classes taught during  
34 the normal school day. ~~In addition thereto, if~~  
35 requested by the community college, any faculty  
36 member instructor may teach a course or courses at  
37 times other than the regular school week, involving  
38 total class instruction time equivalent to not more  
39 than a three credit hour course. The total workload  
40 for such instructors shall not exceed the equivalent  
41 of eighteen credit hours per school term beyond the  
42 standard workload at the discretion of the instructor.>

43 45. Page 198, after line 24 by inserting:  
44 <DIVISION \_\_\_\_  
45 DIVISION OF LIBRARIES AND INFORMATION SERVICES  
46 Sec. \_\_\_\_ Section 256.51, subsection 1, paragraph  
47 a, Code 2009, is amended to read as follows:  
48 a. Determine policy for providing information  
49 service to the three branches of state government and  
50 to the legal and medical ~~communities~~ community in this

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1 state.

2 Sec. \_\_\_\_ Section 256.52, subsection 1, Code 2009,  
3 is amended to read as follows:

4 1. The state commission of libraries consists of  
5 one member appointed by the supreme court, the director  
6 of the department of education, or the director's  
7 designee, and six members appointed by the governor to  
8 serve four-year terms beginning and ending as provided  
9 in section 69.19. ~~Of the~~ The governor's appointees,  
10 ~~one member shall be from the medical profession and~~  
11 ~~five members~~ selected at large. ~~Not more than three of~~  
12 ~~the members appointed by the governor shall be of the~~  
13 ~~same gender.~~ The members shall be reimbursed for their  
14 actual expenditures necessitated by their official  
15 duties. Members may also be eligible for compensation  
16 as provided in section 7E.6.

17 Sec. \_\_\_\_ Section 256.52, subsection 3, paragraph  
18 d, Code 2009, is amended to read as follows:

19 d. Appoint and approve the technical, professional,  
20 excepting the ~~medical librarian and the law librarian,~~  
21 secretarial, and clerical staff necessary to accomplish  
22 the purposes of the division subject to chapter 8A,  
23 subchapter IV.

24 Sec. \_\_\_\_ Section 256.54, unnumbered paragraph 1,  
25 Code 2009, is amended to read as follows:

26 The state library includes, but is not limited to,  
27 ~~a medical library,~~ a law library, and the state data  
28 center.

29 Sec. \_\_\_\_ Section 256.54, subsection 1, Code 2009,  
30 is amended by striking the subsection.

31 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT. This division  
32 of this Act, being deemed of immediate importance,  
33 takes effect upon enactment.

34 DIVISION \_\_\_\_

35 LIBRARY DISTRICTS

36 Sec. \_\_\_\_ Section 336.2, unnumbered paragraphs 2  
37 and 6, Code 2009, are amended to read as follows:

38 Eligible electors residing within the proposed  
39 district in a number not less than five percent of  
40 those voting for president of the United States or  
41 governor, as the case may be, within the district at  
42 the last general election may petition the board of  
43 supervisors of the county, or the city council, for the  
44 establishment of the library district. The petition  
45 shall clearly designate the area to be included in the  
46 district, the total number of board members, and how  
47 representation on the board shall be divided among the  
48 jurisdictions.

49 After the establishment of a library district other  
50 areas may be included ~~by mutual agreement~~ subject to

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1 the approval of the board of trustees of the library  
 2 district and the ~~governing body~~ passage of a referendum  
 3 by the electors of the area sought to be included.

4 Sec. \_\_\_\_ Section 336.4, Code 2009, is amended to  
 5 read as follows:

6 336.4 Library trustees.

7 In any area in which a library district has been  
 8 established in accordance with this chapter, a board  
 9 of library trustees, consisting of five, seven, or  
 10 nine ~~electors of~~ members who resident within the  
 11 library district, shall be appointed by the ~~board of~~  
 12 ~~supervisors of any county or city~~ governing bodies of  
 13 the jurisdictions comprising the library district.  
 14 ~~Membership on the library board shall be apportioned~~  
 15 ~~between the rural and city areas of the district in~~  
 16 ~~proportion to the population in each of such areas. In~~  
 17 ~~the event the library district is composed of two or~~  
 18 ~~more counties, two or more cities, or any combination~~  
 19 ~~of counties and cities, representation on the library~~  
 20 ~~board shall be equitably divided between or among the~~  
 21 ~~counties and cities in proportion to the population in~~  
 22 ~~each of the counties and cities.~~

23 Sec. \_\_\_\_ Section 336.5, Code 2009, is amended to  
 24 read as follows:

25 336.5 Terms ~~—~~ vacancies.

26 1. Of said the trustees ~~so~~ appointed in accordance  
 27 with section 336.4 on boards ~~to consist~~ consisting of  
 28 nine members, three shall hold office for two years,  
 29 three for four years, and three for six years;  
 30 on boards ~~to consist~~ consisting of seven members,  
 31 two shall hold office for two years, two for four  
 32 years, and three for six years; and on boards ~~to~~  
 33 ~~consist~~ consisting of five members, one shall hold  
 34 office for two years, two for four years, and two  
 35 for six years, from the first day of July following  
 36 their appointment in each case. At ~~their the~~ first  
 37 meeting ~~they of the board,~~ members shall cast lots for  
 38 their respective terms, reporting the result of such  
 39 lot to ~~the board of supervisors~~ the governing body of  
 40 each jurisdiction forming the library district. All  
 41 subsequent appointments, whatever the size of the  
 42 board, shall be for terms of six years each.

43 2. A vacancy exists when a member ceases to be a  
 44 resident of the jurisdiction the member represents or  
 45 is absent for six consecutive regular meetings of the  
 46 board.

47 3. Vacancies shall be filled for unexpired terms  
 48 by the governing body of the taxing unit of the  
 49 district jurisdiction represented by the ~~retiring~~  
 50 ~~member~~ vacancy.

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1 Sec. \_\_\_\_ Section 336.8, Code 2009, is amended to  
 2 read as follows:  
 3 336.8 Powers.  
 4 ~~Said The~~ The board of library trustees shall have and  
 5 exercise the following powers:  
 6 1. To meet and ~~organize by the election of one~~  
 7 ~~of their number as~~ elect from among its members  
 8 a president of the board, and by the election of a  
 9 secretary and such other officers as the board may deem  
 10 necessary.  
 11 2. To direct and control all affairs of the library  
 12 district, as well as to have charge, and supervision of  
 13 the public library, and its rooms, appurtenances, and  
 14 fixtures, and rooms containing the same, directing and  
 15 controlling all the affairs of such library.  
 16 3. To employ a librarian, and authorize the  
 17 librarian to employ such assistants and employees  
 18 as may be necessary for the proper management of  
 19 ~~said the~~ the library, ~~and~~ district. The board shall fix  
 20 their the compensation, ~~but, prior~~ of such employees.  
 21 Prior to such employment, the compensation of  
 22 such the librarian, assistants, and employees shall be  
 23 ~~fixed for the term of employment~~ fixed by a majority of the  
 24 members of ~~said the~~ the board voting ~~in favor thereof.~~  
 25 4. To remove ~~such,~~ by a two-thirds vote of the  
 26 board, the librarian, and provide procedures for  
 27 the removal of assistants, or employees by a vote of  
 28 two thirds of such board for misdemeanor, incompetency,  
 29 or inattention to ~~the duties of such employment~~ duty.  
 30 5. To authorize the librarian to select and  
 31 make purchases of books, ~~pamphlets,~~ magazines,  
 32 periodicals, papers, maps, journals, furniture,  
 33 fixtures, ~~stationery~~ technology, and supplies for  
 34 ~~such the~~ the library district.  
 35 6. To authorize the use of ~~such libraries by school~~  
 36 ~~corporations or~~ the public library by nonresidents of  
 37 the area which is taxed to support ~~such libraries~~ the  
 38 public library and to fix charges ~~therefor~~ for library  
 39 services.  
 40 7. To make and adopt, amend, modify, or repeal  
 41 bylaws, rules, and regulations, not inconsistent with  
 42 law, for the care, use, government, and management  
 43 of ~~such the~~ the public library and the business of  
 44 ~~said the~~ the board, fixing and enforcing penalties for ~~the~~  
 45 ~~violation thereof~~ violations. The board shall keep a  
 46 record of its proceedings.  
 47 8. To have exclusive control of ~~the~~  
 48 ~~expenditures~~ all funds allocated for public library  
 49 purposes, ~~as provided by law, and of the expenditures~~  
 50 ~~of~~ all moneys available by gift or otherwise for the

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1 erection of public library buildings, and all other  
2 moneys belonging to the public library, including  
3 finances and rental fees collected, under the rules  
4 of the board. ~~The board shall keep a record of its~~  
5 ~~proceedings.~~

6 9. To accept gifts of ~~any~~ real property,  
7 personal property, or mixed property, and devises  
8 and bequests, including trust funds; to take the  
9 title to ~~said the~~ property in the name of ~~said the~~  
10 public library; to execute deeds and bills of sale for  
11 the conveyance of ~~said the~~ property; and to expend the  
12 funds ~~received by them~~ generated from such the gifts,  
13 for the improvement of ~~said the~~ public library.

14 10. To make agreements with local county historical  
15 associations to set apart the necessary room and to  
16 care for articles that come into the possession of  
17 the association. The board may purchase necessary  
18 receptacles and materials for the preservation and  
19 protection of articles which are of an historical and  
20 educational nature.

21 Sec. \_\_\_\_ Section 336.10, Code 2009, is amended to  
22 read as follows:

23 336.10 Library fund.

24 1. All moneys received and set apart appropriated  
25 or received for the maintenance of the public library  
26 shall be deposited in the treasury of the county or  
27 city, as determined by the board of library trustees,  
28 and paid out upon warrants drawn by the county or city  
29 auditor upon requisition of expenditures shall be paid  
30 by the treasurer of the county or city in which the  
31 moneys are deposited on warrants ordered by the board  
32 of trustees, signed by its the board's president and  
33 secretary.

34 ~~Provided that where a free public library is~~  
35 ~~maintained jointly by two or more counties or cities~~  
36 ~~or any combination of counties and cities, the library~~  
37 ~~trustees may elect a library treasurer, and it shall be~~  
38 ~~the duty of the city and county treasurers to pay over~~  
39 ~~to the library treasurer any and all library taxes that~~  
40 ~~may be collected by them monthly.~~

41 2. The library treasurer of the county or city in  
42 which the public library moneys are deposited pursuant  
43 to subsection 1 shall be required to furnish a bond  
44 conditioned as provided by section 64.2 in an amount as  
45 agreed upon by the participating boards of supervisors  
46 and city councils and the cost shall be paid by the  
47 participating counties and cities.

48 Sec. \_\_\_\_ Section 336.11, Code 2009, is amended to  
49 read as follows:

50 336.11 Annual report.

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1 The board of library trustees shall, ~~immediately~~  
 2 ~~after within ninety days after the close of each~~  
 3 ~~fiscal year, submit a report to the board of~~  
 4 ~~supervisors, and the city council, as appropriate, a~~  
 5 ~~report containing governing bodies of the respective~~  
 6 ~~jurisdictions comprising the library district. The~~  
 7 ~~report shall contain~~ a statement of the condition  
 8 of the library, the number of books ~~and other~~  
 9 ~~resources~~ added ~~thereto~~, the number of books and  
 10 ~~other resources~~ circulated, the number of books and  
 11 ~~other resources~~ not returned or lost, the amount of  
 12 fines collected, and the amount of money expended in  
 13 the maintenance ~~thereof of the public library during~~  
 14 ~~such the preceding fiscal year, together with such~~  
 15 ~~further any other information as it may deem the board~~  
 16 ~~deems~~ important.

17 Sec. \_\_\_\_. Section 336.12, Code 2009, is amended to  
 18 read as follows:

19 336.12 Real estate acquired.

20 ~~In any county or city in which a free library~~  
 21 ~~has been established, the~~ The board of library  
 22 trustees may purchase real estate in the name of the  
 23 ~~county or city library district~~ for the location of  
 24 public library buildings and branch libraries, and for  
 25 the purpose of enlarging the grounds.

26 Sec. \_\_\_\_. Section 336.13, Code 2009, is amended to  
 27 read as follows:

28 336.13 Maintenance expense on proportionate basis.

29 1. The maintenance of a public library established  
 30 in accordance with this chapter shall be on the basis  
 31 of each participating unit bearing its share of the  
 32 total cost in proportion to its population as compared  
 33 to the total population of the library district.

34 2. The board of library trustees shall make an  
 35 estimate of the amount necessary for the maintenance  
 36 of the library, the sources of direct library revenue,  
 37 and the amount to be contributed from taxes or other  
 38 revenues by the participating city or county and  
 39 hold a hearing on the estimate after notice of the  
 40 hearing is published as provided in section 331.305 or  
 41 section 362.3, as appropriate. On or before January  
 42 10 of each year, the board of library trustees shall  
 43 transmit the estimate in dollars to the ~~board of~~  
 44 ~~supervisors and to the cities~~ governing bodies of the  
 45 jurisdictions participating in the library district.  
 46 ~~The unincorporated area of each county in the library~~  
 47 ~~district shall be considered as a separate supporting~~  
 48 ~~unit.~~ Each board of supervisors participating shall  
 49 review the estimate and appropriate for library  
 50 purposes its share ~~in~~ from the county rural services



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1 fund budget. Each city council participating shall  
2 review the estimate for the city and appropriate for  
3 library purposes its share ~~in~~ from the city general  
4 fund budget. Each participating city or county  
5 shall contribute its share from taxation or from  
6 other sources available for library purposes on an  
7 equitable basis. With approval of a city council, the  
8 county treasurer may withhold a reasonable portion  
9 of the taxes collected for a city to meet the city's  
10 contribution for library purposes and deliver a receipt  
11 to the city clerk for the amount withheld.  
12 This section shall not affect the taxing authority  
13 provided under section 256.69.

14 Sec. \_\_\_\_ Section 336.15, Code 2009, is amended to  
15 read as follows:

16 336.15 Existing contracts assumed.

17 Whenever a library district is established in  
18 accordance with this chapter, its board of trustees  
19 shall assume all the obligations of the existing  
20 library service contracts made by ~~cities, townships,~~  
21 ~~school corporations, or counties to receive library~~  
22 ~~service from free public libraries jurisdictions~~  
23 participating in the library district.

24 Sec. \_\_\_\_ Section 336.16, Code 2009, is amended to  
25 read as follows:

26 336.16 Withdrawal from district — termination.

27 1. A city may withdraw from the library district  
28 upon a majority vote in favor of withdrawal by the  
29 electorate of the city in an election held on a  
30 motion by the city council. The election shall be  
31 held simultaneously with a general or city election.  
32 Notice of a favorable vote to withdraw shall be sent by  
33 certified mail to the board of library trustees of the  
34 library district and the county auditor or city clerk,  
35 as appropriate, prior to January 10, and the withdrawal  
36 shall be effective on July 1.

37 2. A county may withdraw from the district after a  
38 majority of the voters of the unincorporated area of  
39 the county voting on the issue favor the withdrawal.  
40 The board of supervisors shall call for the election  
41 which shall be held at the next general election.

42 3. A city or county election shall not be called  
43 until a hearing has been held on the proposal to submit  
44 a proposition of withdrawal to an election. A hearing  
45 may be held only after public notice published as  
46 provided in section 362.3 in the case of a city or  
47 section 331.305 in the case of a county. A copy of the  
48 notice submitted for publication shall be mailed to the  
49 public library on or before the date of publication.  
50 The proposal presented at the hearing must include a

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1 plan for continuing adequate library service with or  
 2 without all participants and the respective allocated  
 3 costs and levels of service shall be stated. At  
 4 the hearing, any interested person shall be given a  
 5 reasonable time to be heard, either for or against the  
 6 withdrawal or the plan to accompany it.

7 4. A library district may be terminated if a  
 8 majority of the electors of the unincorporated area  
 9 of the county and the cities included in the library  
 10 district voting on the issue favor the termination.  
 11 ~~The election shall be held upon motion of the board of~~  
 12 ~~supervisors and simultaneously with a general or other~~  
 13 ~~county election.~~ If the vote favors termination, the  
 14 termination shall be effective on the succeeding July  
 15 1.

16 5. An election for withdrawal from or termination  
 17 of a library district shall not be held more than once  
 18 each four years.

19 Sec. \_\_\_\_ Section 336.18, subsection 4, paragraphs  
 20 c and d, Code 2009, are amended to read as follows:

21 c. If a majority of those voting upon the question  
 22 favors it, the board of supervisors shall ~~within thirty~~  
 23 ~~days appoint a board of library trustees from residents~~  
 24 ~~of the petitioning area. Vacancies shall be filled by~~  
 25 ~~the board.~~

26 ~~d. The board of trustees may contract with~~  
 27 ~~any a library for library use or service for the~~  
 28 ~~benefit of the residents and area represented by it.~~

29 Sec. \_\_\_\_ NEW SECTION. 336.19 Contracts for use  
 30 of public library.

31 1. Contracting. The board of library trustees may  
 32 contract with any other board of trustees of a free  
 33 public library or any other city, school corporation,  
 34 institution of higher learning, township, or county, or  
 35 with the trustees of any county library district for  
 36 the use of the library by their respective residents.

37 2. Termination. A contract entered into pursuant  
 38 to subsection 1 may be terminated as follows:

39 a. By mutual consent of the contracting parties.

40 b. By a majority vote of the electors represented  
 41 by either of the contracting parties. Upon a written  
 42 petition of a number of eligible electors equaling five  
 43 percent or more of the number of electors voting at the  
 44 last general election within the jurisdiction of the  
 45 contracting party, a termination proposition shall be  
 46 submitted to the electors by the governing body of the  
 47 contracting party. The petition shall be presented  
 48 to the governing body not less than forty days prior  
 49 to the next general election or special election held  
 50 throughout the jurisdiction of the party seeking to

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1 terminate the contract. The proposition shall be  
2 submitted at the next general election or next special  
3 election held throughout the jurisdiction of the party  
4 seeking to terminate the contract.

5 Sec. \_\_\_\_ REPEAL. Sections 336.6, 336.9, and  
6 336.17, Code 2009, are repealed.>

7 46. By striking page 199, line 15, through page  
8 200, line 9.

9 47. By striking page 200, line 26, through page  
10 211, line 6, and inserting:

11 <Sec. \_\_\_\_ NEW SECTION. 685.1 Definitions.

12 1. "Claim" means any request or demand, whether  
13 pursuant to a contract or otherwise, for money or  
14 property and whether the state has title to the  
15 money or property, which is presented to an officer,  
16 employee, agent, or other representative of the  
17 state or to a contractor, grantee, or other person  
18 if the money or property is to be spent or used on  
19 the state's behalf or to advance a state program or  
20 interest, and if the state provides any portion of  
21 the money or property which is requested or demanded,  
22 or if the state will reimburse directly or indirectly  
23 such contractor, grantee, or other person for any  
24 portion of the money or property which is requested  
25 or demanded. "Claim" does not include any requests or  
26 demands for money or property that the state has paid  
27 to an individual as compensation for state employment  
28 or as an income subsidy with no restrictions on that  
29 individual's use of the money or property.

30 2. "Custodian" means the custodian, or any deputy  
31 custodian, designated by the attorney general under  
32 section 685.6.

33 3. "Documentary material" includes the original  
34 or any copy of any book, record, report, memorandum,  
35 paper, communication, tabulation, chart, or other  
36 document, or data compilations stored in or accessible  
37 through computer or other information retrieval  
38 systems, together with instructions and all other  
39 materials necessary to use or interpret such data  
40 compilations, and any product of discovery.

41 4. "False claims law" means this chapter.

42 5. "False claims law investigation" means any  
43 inquiry conducted by a false claims law investigator  
44 for the purpose of ascertaining whether any person is  
45 or has been engaged in any violation of a false claims  
46 law.

47 6. "False claims law investigator" means any  
48 attorney or investigator employed by the department  
49 of justice who is charged with the duty of enforcing  
50 or carrying into effect any false claims law, or

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1 any officer or employee of the state acting under  
2 the direction and supervision of such attorney or  
3 investigator in connection with a false claims law  
4 investigation.  
5 7. a. "Knowing" or "knowingly" means that a person  
6 with respect to information, does any of the following:  
7 (1) Has actual knowledge of the information.  
8 (2) Acts in deliberate ignorance of the truth or  
9 falsity of the information.  
10 (3) Acts in reckless disregard of the truth or  
11 falsity of the information.  
12 b. "Knowing" or "knowingly" does not require proof  
13 of specific intent to defraud.  
14 8. "Material" means having a natural tendency to  
15 influence, or be capable of influencing, the payment or  
16 receipt of money or property.  
17 9. "Obligation" means an established duty, whether  
18 or not fixed, arising from an express or implied  
19 contractual, grantor-grantee, or licensor-licensee  
20 relationship, from a fee-based or similar relationship,  
21 from statute or regulation, or from the retention of  
22 any overpayment.  
23 10. "Official use" means any use that is consistent  
24 with the law, and the regulations and policies of the  
25 department of justice, including use, in connection  
26 with internal department of justice memoranda and  
27 reports; communications between the department of  
28 justice and a federal, state, or local government  
29 agency or a contractor of a federal, state, or local  
30 government agency, undertaken in furtherance of a  
31 department of justice investigation or prosecution of  
32 a case; interviews of any qui tam plaintiff or other  
33 witness; oral examinations; depositions; preparation  
34 for and response to civil discovery requests;  
35 introduction into the record of a case or proceeding;  
36 applications, motions, memoranda and briefs submitted  
37 to a court or other tribunal; and communications with  
38 government investigators, auditors, consultants and  
39 experts, the counsel of other parties, and arbitrators  
40 and mediators, concerning an investigation, case, or  
41 proceeding.  
42 11. "Original source" means an individual who has  
43 direct and independent knowledge of the information on  
44 which the allegations are based and has voluntarily  
45 provided the information to the state before filing  
46 an action under section 685.3 which is based on the  
47 information.  
48 12. "Person" means any natural person, partnership,  
49 corporation, association, or other legal entity,  
50 including any state or political subdivision of the

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- 1 state.
- 2 13. "Product of discovery" includes all of the  
3 following:
- 4 a. The original or duplicate of any deposition,  
5 interrogatory, document, thing, result of the  
6 inspection of land or other property, examination, or  
7 admission, which is obtained by any method of discovery  
8 in any judicial or administrative proceeding of an  
9 adversarial nature.
- 10 b. Any digest, analysis, selection, compilation, or  
11 derivation of any item listed in paragraph "a".
- 12 c. Any index or other manner of access to any item  
13 listed in paragraph "a".
- 14 14. "Qui tam plaintiff" means a private plaintiff  
15 who brings an action under this chapter on behalf of  
16 the state.
- 17 Sec. \_\_\_\_ NEW SECTION. 685.2 Acts subjecting  
18 person to treble damages, costs, and civil penalties —  
19 exceptions.
- 20 1. A person who commits any of the following acts  
21 is liable to the state for a civil penalty of not  
22 less than five thousand dollars and not more than  
23 ten thousand dollars, plus three times the amount of  
24 damages which the state sustains because of the act of  
25 that person:
- 26 a. Knowingly presents, or causes to be presented, a  
27 false or fraudulent claim for payment or approval.
- 28 b. Knowingly makes, uses, or causes to be made or  
29 used, a false record or statement material to a false  
30 or fraudulent claim.
- 31 c. Conspires to commit a violation of paragraph  
32 "a", "b", "d", "e", "f", or "g".
- 33 d. Has possession, custody, or control of property  
34 or money used, or to be used, by the state and  
35 knowingly delivers, or causes to be delivered, less  
36 than all of that money or property.
- 37 e. Is authorized to make or deliver a document  
38 certifying receipt of property used, or to be used, by  
39 the state and, intending to defraud the state, makes or  
40 delivers the receipt without completely knowing that  
41 the information on the receipt is true.
- 42 f. Knowingly buys, or receives as a pledge of an  
43 obligation or debt, public property from an officer or  
44 employee of the state, or a member of the Iowa national  
45 guard, who lawfully may not sell or pledge property.
- 46 g. Knowingly makes, uses, or causes to be made  
47 or used, a false record or statement material to an  
48 obligation to pay or transmit money or property to  
49 the state, or knowingly conceals or knowingly and  
50 improperly avoids or decreases an obligation to pay or

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1 transmit money or property to the state.  
2 2. Notwithstanding subsection 1, the court may  
3 assess not less than two times the amount of damages  
4 which the state sustains because of the act of the  
5 person described in subsection 1, if the court finds  
6 all of the following:  
7 a. The person committing the violation furnished  
8 officials of the state responsible for investigating  
9 false claims violations with all information known to  
10 such person about the violation within thirty days  
11 after the date on which the person first obtained the  
12 information.  
13 b. The person fully cooperated with the state  
14 investigation of such violation.  
15 c. At the time the person furnished the state  
16 with the information about the violation, a criminal  
17 prosecution, civil action, or administrative action  
18 had not commenced under this chapter with respect to  
19 such violation, and the person did not have actual  
20 knowledge of the existence of an investigation into  
21 such violation.  
22 3. A person violating this section shall also be  
23 liable to the state for the costs of a civil action  
24 brought to recover any such penalty or damages.  
25 4. Any information furnished pursuant to subsection  
26 2 is deemed confidential information exempt from  
27 disclosure pursuant to chapter 22.  
28 5. This section shall not apply to claims, records,  
29 or statements made under Tit. X relating to state  
30 revenue and taxation.  
31 Sec. \_\_\_\_ NEW SECTION. 685.3 Investigations and  
32 prosecutions — powers of prosecuting authority — civil  
33 actions by individuals as qui tam plaintiffs and as  
34 private citizens — jurisdiction of courts.  
35 1. The attorney general shall diligently  
36 investigate a violation under section 685.2. If the  
37 attorney general finds that a person has violated or is  
38 violating section 685.2, the attorney general may bring  
39 a civil action under this section against that person.  
40 2. a. A person may bring a civil action for a  
41 violation of this chapter for the person and for  
42 the state, in the name of the state. The person  
43 bringing the action shall be referred to as the qui tam  
44 plaintiff. Once filed, the action may be dismissed  
45 only if the court and the attorney general provide  
46 written consent to the dismissal and the reasons for  
47 such consent.  
48 b. A copy of the complaint and written disclosure  
49 of substantially all material evidence and information  
50 the person possesses shall be served on the attorney

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1 general pursuant to the Iowa rules of civil procedure.  
2 The complaint shall also be filed in camera, shall  
3 remain under seal for at least sixty days, and shall  
4 not be served on the defendant until the court so  
5 orders. The state may elect to intervene and proceed  
6 with the action within sixty days after the state  
7 receives both the complaint and the material evidence  
8 and the information.

9 c. The state may, for good cause shown, move the  
10 court for extensions of the time during which the  
11 complaint remains under seal under paragraph "b".  
12 Any such motions may be supported by affidavits or  
13 other submissions in camera. The defendant shall not  
14 be required to respond to any complaint filed under  
15 this section until twenty days after the complaint is  
16 unsealed and served upon the defendant pursuant to rule  
17 1.302 of the Iowa rules of civil procedure.

18 d. Before the expiration of the sixty-day period or  
19 any extensions obtained under paragraph "c", the state  
20 shall do one of the following:

21 (1) Proceed with the action, in which case the  
22 action shall be conducted by the state.

23 (2) Notify the court that the state declines  
24 to take over the action, in which case the qui tam  
25 plaintiff shall have the right to conduct the action.

26 e. When a person brings an action under this  
27 section, no person other than the state may intervene  
28 or bring a related action based on the facts underlying  
29 the pending action.

30 3. a. If the state proceeds with the action,  
31 the state shall have the primary responsibility for  
32 prosecuting the action, and shall not be bound by an  
33 act of the qui tam plaintiff. Such qui tam plaintiff  
34 shall have the right to continue as a party to the  
35 action, subject to the limitations specified in  
36 paragraph "b".

37 b. (1) The state may move to dismiss the action,  
38 notwithstanding the objections of the qui tam plaintiff  
39 if the qui tam plaintiff has been notified by the state  
40 of the filing of the motion and the court has provided  
41 the qui tam plaintiff with an opportunity for a hearing  
42 on the motion.

43 (2) The state may settle the action with the  
44 defendant notwithstanding the objections of the qui tam  
45 plaintiff if the court determines, after a hearing,  
46 that the proposed settlement is fair, adequate, and  
47 reasonable under all of the circumstances. Upon a  
48 showing of good cause, such hearing may be held in  
49 camera.

50 (3) Upon a showing by the state that unrestricted

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1 participation during the course of the litigation by  
2 the qui tam plaintiff would interfere with or unduly  
3 delay the state's prosecution of the case, or would be  
4 repetitious, irrelevant, or for purposes of harassment,  
5 the court may, in its discretion, impose limitations on  
6 the qui tam plaintiff's participation, including but  
7 not limited to any of the following:

8 (a) Limiting the number of witnesses the qui tam  
9 plaintiff may call.

10 (b) Limiting the length of the testimony of such  
11 witnesses.

12 (c) Limiting the qui tam plaintiff's  
13 cross-examination of witnesses.

14 (d) Otherwise limiting the participation by the qui  
15 tam plaintiff in the litigation.

16 (4) Upon a showing by the defendant that  
17 unrestricted participation during the course of the  
18 litigation by the qui tam plaintiff would be for  
19 purposes of harassment or would cause the defendant  
20 undue burden or unnecessary expense, the court may  
21 limit the participation by the qui tam plaintiff in the  
22 litigation.

23 c. If the state elects not to proceed with the  
24 action, the qui tam plaintiff shall have the right to  
25 conduct the action. If the state so requests, the  
26 state shall be served with copies of all pleadings  
27 filed in the action and shall be supplied with copies  
28 of all deposition transcripts at the state's expense.  
29 When a qui tam plaintiff proceeds with the action, the  
30 court, without limiting the status and rights of the  
31 qui tam plaintiff, may permit the state to intervene at  
32 a later date upon a showing of good cause.

33 d. Whether or not the state proceeds with the  
34 action, upon a showing by the state that certain  
35 actions of discovery by the qui tam plaintiff would  
36 interfere with the state's investigation or prosecution  
37 of a criminal or civil matter arising out of the  
38 same facts, the court may stay such discovery for a  
39 period of not more than sixty days. Such a showing  
40 shall be conducted in camera. The court may extend  
41 the sixty-day period upon a further showing in camera  
42 that the state has pursued the criminal or civil  
43 investigation or proceedings with reasonable diligence  
44 and any proposed discovery in the civil action  
45 will interfere with the ongoing criminal or civil  
46 investigation or proceedings.

47 e. Notwithstanding subsection 2, the state  
48 may elect to pursue the state's claim through any  
49 alternate remedy available to the state, including any  
50 administrative proceeding to determine a civil penalty.



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1 If any such alternate remedy is pursued in another  
2 proceeding, the qui tam plaintiff shall have the same  
3 rights in such proceeding as such qui tam plaintiff  
4 would have had if the action had continued under this  
5 section. Any finding of fact or conclusion of law  
6 made in such other proceeding that has become final,  
7 shall be conclusive as to all such parties to an action  
8 under this section. For purposes of this paragraph, a  
9 finding or conclusion is final if it has been finally  
10 determined on appeal to the appropriate court of the  
11 state, if all time for filing such an appeal with  
12 respect to the finding or conclusion has expired, or if  
13 the finding or conclusion is not subject to judicial  
14 review.

15 4. a. (1) If the state proceeds with an action  
16 brought by a qui tam plaintiff under subsection 2, the  
17 qui tam plaintiff shall, subject to subparagraph (2),  
18 receive at least fifteen percent but not more than  
19 twenty-five percent of the proceeds of the action or  
20 settlement of the claim, depending upon the extent to  
21 which the qui tam plaintiff substantially contributed  
22 to the prosecution of the action.

23 (2) If the action is one which the court finds  
24 to be based primarily on disclosures of specific  
25 information, other than information provided by the qui  
26 tam plaintiff, relating to allegations or transactions  
27 in a criminal, civil, or administrative hearing, or  
28 in a legislative, administrative or state auditor  
29 report, hearing, audit, or investigation, or from  
30 the news media, the court may award an amount the  
31 court considers appropriate, but in no case more than  
32 ten percent of the proceeds, taking into account the  
33 significance of the information and the role of the qui  
34 tam plaintiff in advancing the case to litigation.

35 (3) Any payment to a qui tam plaintiff under  
36 subparagraph (1) or (2) shall be made from the  
37 proceeds. Any such qui tam plaintiff shall also  
38 receive an amount for reasonable expenses which the  
39 appropriate court finds to have been necessarily  
40 incurred, plus reasonable attorney fees and costs. All  
41 such expenses, fees, and costs shall be awarded against  
42 the defendant.

43 b. If the state does not proceed with an action  
44 under this section, the qui tam plaintiff or person  
45 settling the claim shall receive an amount which the  
46 court decides is reasonable for collecting the civil  
47 penalty and damages. The amount shall be not less than  
48 twenty-five percent and not more than thirty percent  
49 of the proceeds of the action or settlement and shall  
50 be paid out of such proceeds. Such qui tam plaintiff

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1 or person shall also receive an amount for reasonable  
2 expenses which the court finds to have been necessarily  
3 incurred, plus reasonable attorney fees and costs. All  
4 such expenses, fees, and costs shall be awarded against  
5 the defendant.

6 c. Whether or not the state proceeds with the  
7 action, if the court finds that the action was brought  
8 by a qui tam plaintiff who planned and initiated  
9 the violation of section 685.2 upon which the action  
10 was brought, the court may, to the extent the court  
11 considers appropriate, reduce the share of the proceeds  
12 of the action which the qui tam plaintiff would  
13 otherwise receive under paragraph "a" or "b", taking  
14 into account the role of that qui tam plaintiff in  
15 advancing the case to litigation and any relevant  
16 circumstances pertaining to the violation. If the qui  
17 tam plaintiff is convicted of criminal conduct arising  
18 from the qui tam plaintiff's role in the violation of  
19 section 685.2, the qui tam plaintiff shall be dismissed  
20 from the civil action and shall not receive any share  
21 of the proceeds of the action. Such dismissal shall  
22 not prejudice the right of the state to continue the  
23 action represented by the attorney general.

24 d. If the state does not proceed with the action  
25 and the qui tam plaintiff conducts the action, the  
26 court may award to the defendant reasonable attorney  
27 fees and expenses if the defendant prevails in the  
28 action and the court finds that the claim of the qui  
29 tam plaintiff was clearly frivolous, clearly vexatious,  
30 or brought primarily for purposes of harassment.

31 5. a. A court shall not have jurisdiction over an  
32 action brought by a former or present member of the  
33 Iowa national guard under this chapter against a member  
34 of the Iowa national guard arising out of such person's  
35 services in the Iowa national guard.

36 b. A qui tam plaintiff shall not bring an action  
37 under subsection 2 which is based upon allegations or  
38 transactions which are the subject of a civil suit or  
39 an administrative civil penalty proceeding in which the  
40 state is already a party.

41 c. A court shall not have jurisdiction over an  
42 action under this section based upon the public  
43 disclosure of allegations or transactions in a  
44 criminal, civil, or administrative hearing, or in a  
45 legislative, administrative, or state auditor report,  
46 hearing, audit, or investigation, or from the news  
47 media, unless the action is brought by the attorney  
48 general or the qui tam plaintiff is an original source  
49 of the information.

50 d. The state is not liable for expenses which a

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1 person incurs in bringing an action under this section.  
2 6. Any employee, contractor, or agent who is  
3 discharged, demoted, suspended, threatened, harassed,  
4 or in any other manner discriminated against in  
5 the terms and conditions of employment because of  
6 lawful acts performed by the employee, contractor,  
7 or agent on behalf of the employee, contractor, or  
8 agent or associated others in furtherance of other  
9 efforts to stop a violation of this chapter, shall  
10 be entitled to all relief necessary to make the  
11 employee, contractor, or agent whole. Such relief  
12 shall include reinstatement with the same seniority  
13 status such employee, contractor, or agent would have  
14 had but for the discrimination, two times the amount of  
15 back pay, interest on the back pay, and compensation  
16 for any special damages sustained as a result of  
17 the discrimination, including litigation costs and  
18 reasonable attorney fees. An employee, contractor, or  
19 agent may bring an action in the appropriate district  
20 court of the state for the relief provided in this  
21 subsection.

22 Sec. \_\_\_\_ NEW SECTION. 685.4 Procedure — statute  
23 of limitations.

24 1. A subpoena requiring the attendance of a witness  
25 at a trial or hearing conducted under this chapter may  
26 be served at any place in the state, or through any  
27 means authorized in the Iowa rules of civil procedure.

28 2. A civil action under this chapter may not be  
29 brought more than six years after the date on which  
30 the violation of section 685.2 is committed, or more  
31 than three years after the date when facts material  
32 to the right of action are known or reasonably should  
33 have been known by the official of state charged with  
34 responsibility to act in the circumstances, but in no  
35 event more than ten years after the date on which the  
36 violation is committed, whichever occurs last.

37 3. If the state elects to intervene and proceed  
38 with an action brought under this chapter, the state  
39 may file its own complaint or amend the complaint of  
40 a qui tam plaintiff to clarify or add detail to the  
41 claims in which the state is intervening and to add  
42 any additional claims with respect to which the state  
43 contends it is entitled to relief. For statute of  
44 limitations purposes, any such state pleading shall  
45 relate back to the filing date of the complaint of the  
46 qui tam plaintiff who originally brought the action, to  
47 the extent that the claim of the state arises out of  
48 the conduct, transactions, or occurrences set forth,  
49 or attempted to be set forth, in the prior complaint  
50 of that person.

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1 4. In any action brought under section 685.3, the  
2 state shall prove all essential elements of the cause  
3 of action, including damages, by a preponderance of the  
4 evidence.

5 5. Notwithstanding any other provision of law, the  
6 Iowa rules of criminal procedure, or the Iowa rules of  
7 evidence, a final judgment rendered in favor of the  
8 state in any criminal proceeding charging fraud or  
9 false statements, whether upon a verdict after trial  
10 or upon a plea of guilty or nolo contendere, shall  
11 estop the defendant from denying the essential elements  
12 of the offense in any action which involves the same  
13 transaction as in the criminal proceeding and which is  
14 brought under section 685.3.

15 Sec. \_\_\_\_ NEW SECTION. 685.5 Jurisdiction.

16 1. Any action under section 685.3 may be brought  
17 in any county in which the defendant or, in the case  
18 of multiple defendants, any one defendant can be  
19 found, resides, transacts business, or in which any  
20 act proscribed by section 685.2 occurred. An original  
21 notice as required by the Iowa rules of civil procedure  
22 shall be issued by the appropriate district court and  
23 served in accordance with the Iowa rules of civil  
24 procedure.

25 2. A seal on the action ordered by the court under  
26 section 685.3 shall not preclude the state, local  
27 government, or the qui tam plaintiff from serving  
28 the complaint, any other pleadings, or the written  
29 disclosure of substantially all material evidence and  
30 information possessed by the qui tam plaintiff on the  
31 law enforcement authorities that are authorized under  
32 the law of the state or local government to investigate  
33 and prosecute such actions on behalf of such  
34 governments, except that such seal applies to the law  
35 enforcement authorities so served to the same extent as  
36 the seal applies to other parties in the action.

37 Sec. \_\_\_\_ NEW SECTION. 685.6 Civil investigative  
38 demands.

39 1. Issuance and service.

40 a. If the attorney general, or a designee, for the  
41 purposes of this section, has reason to believe that  
42 any person may be in possession, custody, or control  
43 of any documentary material or information relevant  
44 to a false claims law investigation, the attorney  
45 general, or a designee, may, before commencing a civil  
46 proceeding under section 685.3, subsection 1, or other  
47 false claims law, or making an election under section  
48 685.3, subsection 2, issue in writing and cause to be  
49 served upon such person, a civil investigative demand  
50 requiring any of the following of such person:

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1 (1) To produce such documentary material for  
2 inspection and copying.

3 (2) To answer in writing, written interrogatories  
4 with respect to such documentary material or  
5 information.

6 (3) To give oral testimony concerning such  
7 documentary material or information.

8 (4) To furnish any combination of such material,  
9 answers, or testimony.

10 b. The attorney general may delegate the authority  
11 to issue civil investigative demands under this  
12 subsection. If a civil investigative demand is an  
13 express demand for any product of discovery, the  
14 attorney general, a deputy attorney general, or an  
15 assistant attorney general shall cause to be served,  
16 in any manner authorized by this section, a copy of  
17 such demand upon the person from whom the discovery  
18 was obtained and shall notify the person to whom such  
19 demand is issued of the date on which such copy was  
20 served. Any information obtained by the attorney  
21 general or a designee of the attorney general under  
22 this section may be shared with any qui tam plaintiff  
23 if the attorney general or designee determines  
24 it is necessary as part of any false claims law  
25 investigation.

26 2. Contents and deadlines.

27 a. Each civil investigative demand issued under  
28 subsection 1 shall state the nature of the conduct  
29 constituting the alleged violation of a false claims  
30 law which is under investigation, and the applicable  
31 provision of law alleged to be violated.

32 b. If such demand is for the production of  
33 documentary material, the demand shall provide all of  
34 the following:

35 (1) Describe each class of documentary material to  
36 be produced with such definiteness and certainty as to  
37 permit such material to be fairly identified.

38 (2) Prescribe a return date for each such class  
39 which will provide a reasonable period of time within  
40 which the material so demanded may be assembled and  
41 made available for inspection and copying.

42 (3) Identify the false claims law investigator to  
43 whom such material shall be made available.

44 c. If such demand is for answers to written  
45 interrogatories, the demand shall provide for all of  
46 the following:

47 (1) Set forth with specificity the written  
48 interrogatories to be answered.

49 (2) Prescribe dates at which time answers to  
50 written interrogatories shall be submitted.

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1 (3) Identify the false claims law investigator to  
2 whom such answers shall be submitted.  
3 d. If such demand is for the giving of oral  
4 testimony, the demand shall provide for all of the  
5 following:  
6 (1) Prescribe a date, time, and place at which oral  
7 testimony shall be commenced.  
8 (2) Identify a false claims law investigator who  
9 shall conduct the examination and the custodian to whom  
10 the transcript of such examination shall be submitted.  
11 (3) Specify that such attendance and testimony are  
12 necessary to the conduct of the investigation.  
13 (4) Notify the person receiving the demand of the  
14 right to be accompanied by an attorney and any other  
15 representative.  
16 (5) Describe the general purpose for which the  
17 demand is being issued and the general nature of the  
18 testimony, including the primary areas of inquiry,  
19 which will be taken pursuant to the demand.  
20 e. Any civil investigative demand issued under this  
21 section which is an express demand for any product of  
22 discovery shall not be returned or returnable until  
23 twenty days after a copy of such demand has been served  
24 upon the person from whom the discovery was obtained.  
25 f. The date prescribed for the commencement of oral  
26 testimony pursuant to a civil investigative demand  
27 issued under this section shall be a date which is not  
28 less than seven days after the date on which demand is  
29 received, unless the attorney general or an assistant  
30 attorney general designated by the attorney general  
31 determines that exceptional circumstances are present  
32 which warrant the commencement of such testimony within  
33 a lesser period of time.  
34 g. The attorney general shall not authorize the  
35 issuance under this section of more than one civil  
36 investigative demand for oral testimony by the same  
37 person, unless the person requests otherwise or unless  
38 the attorney general, after investigation, notifies  
39 that person in writing that an additional demand for  
40 oral testimony is necessary.  
41 3. Protected material or information.  
42 a. A civil investigative demand issued under  
43 subsection 1 shall not require the production of any  
44 documentary material, the submission of any answers  
45 to written interrogatories, or the giving of any oral  
46 testimony if such material, answers, or testimony  
47 would be protected from disclosure under any of the  
48 following:  
49 (1) The standards applicable to subpoenas or  
50 subpoenas duces tecum issued by a court of the state to

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1 aid in a grand jury investigation.

2 (2) The standards applicable to discovery requests  
3 under the Iowa rules of civil procedure, to the  
4 extent that the application of such standards to any  
5 such demand is appropriate and consistent with the  
6 provisions and purposes of this section.

7 b. Any such demand which is an express demand for  
8 any product of discovery, supersedes any inconsistent  
9 order, rule, or provision of law, other than this  
10 section, preventing or restraining disclosure of such  
11 product of discovery to any person. Disclosure of  
12 any product of discovery pursuant to any such express  
13 demand does not constitute a waiver of any right or  
14 privilege which the person making such disclosure may  
15 be entitled to invoke to resist discovery of trial  
16 preparation materials.

17 4. Service.

18 a. Any civil investigative demand issued under  
19 subsection 1 may be served by a false claims law  
20 investigator, or by any official authorized to issue  
21 civil investigative demands.

22 b. Service of any civil investigative demand  
23 issued under subsection 1 or of any petition filed  
24 under subsection 9 may be made upon a partnership,  
25 corporation, association, or other legal entity by any  
26 of the following methods:

27 (1) Delivering an executed copy of such demand  
28 or petition to any partner, executive officer,  
29 managing agent, or general agent of the partnership,  
30 corporation, association, or entity, or to any agent  
31 authorized by appointment or by law to receive service  
32 of process on behalf of such partnership, corporation,  
33 association, or entity.

34 (2) Delivering an executed copy of such demand or  
35 petition to the principal office or place of business  
36 of the partnership, corporation, association, or  
37 entity.

38 (3) Depositing an executed copy of such demand  
39 or petition in the United States mails by registered  
40 or certified mail, with a return receipt requested,  
41 addressed to such partnership, corporation,  
42 association, or entity at its principal office or place  
43 of business.

44 c. Service of any such demand or petition may be  
45 made upon any natural person by any of the following  
46 methods:

47 (1) Delivering an executed copy of such demand or  
48 petition to the person.

49 (2) Depositing an executed copy of such demand  
50 or petition in the United States mails by registered

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1 or certified mail, with a return receipt requested,  
2 addressed to the person at the person's residence or  
3 principal office or place of business.

4 d. A verified return by the individual serving any  
5 civil investigative demand issued under subsection 1 or  
6 any petition filed under subsection 9 setting forth the  
7 manner of such service shall be proof of such service.

8 In the case of service by registered or certified mail,  
9 such return shall be accompanied by the return post  
10 office receipt of delivery of such demand.

11 5. Documentary material.

12 a. The production of documentary material in  
13 response to a civil investigative demand served under  
14 this section shall be made under a sworn certificate,  
15 in such form as the demand designates, by the following  
16 persons, as applicable:

17 (1) In the case of a natural person, the person to  
18 whom the demand is directed.

19 (2) In the case of a person other than a natural  
20 person, a person having knowledge of the facts  
21 and circumstances relating to such production and  
22 authorized to act on behalf of such person.

23 b. The certificate shall state that all of the  
24 documentary material required by the demand and in  
25 the possession, custody, or control of the person to  
26 whom the demand is directed has been produced and  
27 made available to the false claims law investigator  
28 identified in the demand.

29 c. Any person upon whom any civil investigative  
30 demand for the production of documentary material has  
31 been served under this section shall make such material  
32 available for inspection and copying to the false  
33 claims law investigator identified in such demand at  
34 the principal place of business of such person, or at  
35 such other place as the false claims law investigator  
36 and the person agree and prescribe in writing, or as  
37 the court may direct under subsection 9. Such material  
38 shall be made available on the return date specified in  
39 such demand, or on such later date as the false claims  
40 law investigator may prescribe in writing. Such person  
41 may, upon written agreement between the person and the  
42 false claims law investigator, substitute copies for  
43 originals of all or any part of such material.

44 6. Interrogatories.

45 a. Each interrogatory in a civil investigative  
46 demand served under this section shall be answered  
47 separately and fully in writing under oath and shall  
48 be submitted under a sworn certificate, in such form  
49 as the demand designates, by the following persons, as  
50 applicable:



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1 (1) In the case of a natural person, the person to  
2 whom the demand is directed.

3 (2) In the case of a person other than a natural  
4 person, the person or persons responsible for answering  
5 each interrogatory.

6 b. If any interrogatory is objected to, the reasons  
7 for the objection shall be stated in the certificate  
8 instead of an answer. The certificate shall state  
9 that all information required by the demand and in  
10 the possession, custody, control, or knowledge of  
11 the person to whom the demand is directed has been  
12 submitted. To the extent that any information is not  
13 furnished, the information shall be identified and  
14 reasons set forth with particularity regarding the  
15 reasons why the information was not furnished.

16 7. Oral examinations.

17 a. The examination of any person pursuant to a  
18 civil investigative demand for oral testimony served  
19 under this section shall be taken before an officer  
20 authorized to administer oaths and affirmations by  
21 the laws of this state or of the place where the  
22 examination is held. The officer before whom the  
23 testimony is to be taken shall put the witness on oath  
24 or affirmation and shall, personally or by someone  
25 acting under the direction of the officer and in  
26 the officer's presence, record the testimony of the  
27 witness. The testimony shall be taken stenographically  
28 and shall be transcribed. When the testimony is fully  
29 transcribed, the officer before whom the testimony is  
30 taken shall promptly transmit a copy of the transcript  
31 of the testimony to the custodian. This subsection  
32 shall not preclude the taking of testimony by any means  
33 authorized by, and in a manner consistent with, the  
34 Iowa rules of civil procedure.

35 b. The false claims law investigator conducting  
36 the examination shall exclude from the place where  
37 the examination is held all persons except the person  
38 giving the testimony, the attorney for and any other  
39 representative of the person giving the testimony, the  
40 attorney for the state, any person who may be agreed  
41 upon by the attorney for the state and the person  
42 giving the testimony, the officer before whom the  
43 testimony is to be taken, and any stenographer taking  
44 such testimony.

45 c. The oral testimony of any person taken pursuant  
46 to a civil investigative demand served under this  
47 section shall be taken in any state in which such  
48 person resides, is found, or transacts business, or in  
49 such other place as may be agreed upon by the false  
50 claims law investigator conducting the examination and

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1 such person.  
2 d. When the testimony is fully transcribed, the  
3 false claims law investigator or the officer before  
4 whom the testimony is taken shall afford the witness,  
5 who may be accompanied by counsel, a reasonable  
6 opportunity to examine and read the transcript, unless  
7 such examination and reading are waived by the witness.  
8 Any changes in form or substance which the witness  
9 desires to make shall be entered and identified upon  
10 the transcript by the officer or the false claims law  
11 investigator, with a statement of the reasons given by  
12 the witness for making such changes. The transcript  
13 shall then be signed by the witness, unless the witness  
14 in writing waives the signing, is ill, cannot be found,  
15 or refuses to sign. If the transcript is not signed by  
16 the witness within thirty days after being afforded a  
17 reasonable opportunity to examine the transcript, the  
18 officer or the false claims law investigator shall sign  
19 the transcript and state on the record the fact of the  
20 waiver, illness, absence of the witness, or the refusal  
21 to sign, together with the reasons, if any, for the  
22 waiver, illness, absence, or refusal.  
23 e. The officer before whom the testimony is taken  
24 shall certify on the transcript that the witness was  
25 sworn by the officer and that the transcript is a true  
26 record of the testimony given by the witness, and the  
27 officer or false claims law investigator shall promptly  
28 deliver the transcript, or send the transcript by  
29 registered or certified mail, to the custodian.  
30 f. Upon payment of reasonable charges for a copy,  
31 the false claims law investigator shall furnish a copy  
32 of the transcript to the witness only, except that the  
33 attorney general, the deputy attorney general, or an  
34 assistant attorney general may, for good cause, limit  
35 such witness to inspection of the official transcript  
36 of the witness' testimony.  
37 g. (1) Any person compelled to appear for oral  
38 testimony under a civil investigative demand issued  
39 under subsection 1 may be accompanied, represented, and  
40 advised by counsel. Counsel may advise such person,  
41 in confidence, with respect to any question asked of  
42 such person. Such person or counsel may object on  
43 the record to any question, in whole or in part, and  
44 shall briefly state for the record the reason for the  
45 objection. An objection may be made, received, and  
46 entered upon the record when it is claimed that such  
47 person is entitled to refuse to answer the question  
48 on the grounds of any constitutional or other legal  
49 right or privilege, including the privilege against  
50 self-incrimination. Such person may not otherwise

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1 object to or refuse to answer any question, and may not  
2 directly or through counsel otherwise interrupt the  
3 oral examination. If such person refuses to answer any  
4 question, a petition may be filed in the district court  
5 of the state under subsection 9 for an order compelling  
6 such person to answer such question.

7 (2) If such person refuses to answer any  
8 question on the grounds of the privilege against  
9 self-incrimination, the testimony of such person may be  
10 compelled in accordance with applicable law.

11 h. Any person appearing for oral testimony under a  
12 civil investigative demand issued under subsection 1  
13 shall be entitled to the same fees and allowances which  
14 are paid to witnesses in the district courts of the  
15 state.

16 8. Custodians of documents, answers, and  
17 transcripts.

18 a. The attorney general shall designate a false  
19 claims law investigator to serve as custodian of  
20 documentary material, answers to interrogatories, and  
21 transcripts of oral testimony received under this  
22 section, and shall designate such additional false  
23 claims law investigators as the attorney general  
24 determines from time to time to be necessary to serve  
25 as deputies to the custodian.

26 b. (1) A false claims law investigator who  
27 receives any documentary material, answers to  
28 interrogatories, or transcripts of oral testimony under  
29 this section shall transmit them to the custodian.  
30 The custodian shall take physical possession of  
31 such material, answers, or transcripts and shall  
32 be responsible for their use and for the return of  
33 documentary material under paragraph "d".

34 (2) The custodian may cause the preparation of  
35 such copies of such documentary material, answers to  
36 interrogatories, or transcripts of oral testimony as  
37 may be required for official use by any false claims  
38 law investigator, or other officer or employee of the  
39 department of justice. Such material, answers, and  
40 transcripts may be used by any such authorized false  
41 claims law investigator or other officer or employee  
42 in connection with the taking of oral testimony under  
43 this section.

44 (3) Except as otherwise provided in this  
45 subsection, documentary material, answers to  
46 interrogatories, or transcripts of oral testimony,  
47 or copies of documentary materials, answers or  
48 transcripts, while in the possession of the custodian,  
49 shall not be available for examination by any  
50 individual other than a false claims law investigator

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1 or other officer or employee of the department  
2 of justice authorized under subparagraph 2. This  
3 prohibition on the availability of material, answers,  
4 or transcripts shall not apply if consent is given  
5 by the person who produced such material, answers,  
6 or transcripts, or, in the case of any product of  
7 discovery produced pursuant to an express demand  
8 for such material, consent is given by the person  
9 from whom the discovery was obtained. Nothing in  
10 this subparagraph is intended to prevent disclosure  
11 to the general assembly, including any committee  
12 or subcommittee of the general assembly, or to any  
13 other agency of the state for use by such agency in  
14 furtherance of its statutory responsibilities.

15 (4) While in the possession of the custodian and  
16 under such reasonable terms and conditions as the  
17 attorney general shall prescribe all of the following  
18 shall apply, as applicable:

19 (a) Documentary material and answers to  
20 interrogatories shall be available for examination by  
21 the person who produced such material or answers, or  
22 by a representative of that person authorized by that  
23 person to examine such material and answers.

24 (b) Transcripts of oral testimony shall be  
25 available for examination by the person who produced  
26 such testimony, or by a representative of that person  
27 authorized by that person to examine such transcripts.

28 c. If an attorney of the department of justice  
29 has been designated to appear before any court, grand  
30 jury, state agency, or federal agency in any case or  
31 proceeding, the custodian of any documentary material,  
32 answers to interrogatories, or transcripts of oral  
33 testimony received under this section may deliver to  
34 such attorney such material, answers, or transcripts  
35 for official use in connection with any such case or  
36 proceeding as such attorney determines to be required.  
37 Upon the completion of any such case or proceeding,  
38 such attorney shall return to the custodian any such  
39 material, answers, or transcripts delivered which have  
40 not passed into the control of such court, grand jury,  
41 or agency through introduction into the record of such  
42 case or proceeding.

43 d. If any documentary material has been produced  
44 by any person in the course of any false claims  
45 law investigation pursuant to a civil investigative  
46 demand under this section, and any case or proceeding  
47 before the court or grand jury arising out of such  
48 investigation, or any proceeding before any state  
49 agency or federal agency involving such material,  
50 has been completed, or a case or proceeding in which

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1 such material may be used has not been commenced  
2 within a reasonable time after completion of the  
3 examination and analysis of all documentary material  
4 and other information assembled in the course of such  
5 investigation, the custodian shall, upon written  
6 request of the person who produced such material,  
7 return to such person any such material, other than  
8 copies furnished to the false claims law investigator  
9 under subsection 5 or made for the department of  
10 justice under paragraph "b" which has not passed  
11 into the control of any court, grand jury, or agency  
12 through introduction into the record of such case or  
13 proceeding.

14 e. (1) In the event of the death, disability, or  
15 separation from service in the department of justice  
16 of the custodian of any documentary material, answers  
17 to interrogatories, or transcripts of oral testimony  
18 produced pursuant to a civil investigative demand under  
19 this section, or in the event of the official relief  
20 of such custodian from responsibility for the custody  
21 and control of such material, answers, or transcripts,  
22 the attorney general shall promptly do all of the  
23 following:

24 (a) Designate another false claims law investigator  
25 to serve as custodian of such material, answers, or  
26 transcripts.

27 (b) Transmit in writing to the person who produced  
28 such material, answers, or testimony notice of the  
29 identity and address of the successor designated.

30 (2) Any person who is designated to be a successor  
31 under this paragraph "e" shall have, with regard to  
32 such material, answers, or transcripts, the same duties  
33 and responsibilities as were imposed by this section  
34 upon that person's predecessor in office, except that  
35 the successor shall not be held responsible for any  
36 default or dereliction which occurred before that  
37 designation.

38 9. Judicial proceedings.

39 a. If a person fails to comply with any civil  
40 investigative demand issued under subsection 1, or if  
41 satisfactory copying or reproduction of any material  
42 requested in such demand cannot be completed and such  
43 person refuses to surrender such material, the attorney  
44 general may file, in the district court of the state  
45 for any county in which such person resides, is found,  
46 or transacts business, and serve upon such person, a  
47 petition for an order of such court for the enforcement  
48 of the civil investigative demand.

49 b. (1) A person who has received a civil  
50 investigative demand issued under subsection 1 may

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1 file, in the district court of the state for the  
2 county within which such person resides, is found, or  
3 transacts business, and serve upon the false claims  
4 law investigator identified in such demand, a petition  
5 for an order of the court to modify or set aside such  
6 demand. In the case of a petition addressed to an  
7 express demand for any product of discovery, a petition  
8 to modify or set aside such demand may be brought only  
9 in the district court of the state for the county  
10 in which the proceeding in which such discovery was  
11 obtained is or was last pending. Any petition under  
12 this paragraph shall be filed in accordance with the  
13 following, as applicable:

14 (a) Within twenty days after the date of service of  
15 the civil investigative demand, or at any time before  
16 the return date specified in the demand, whichever date  
17 is earlier.

18 (b) Within such longer period as may be prescribed  
19 in writing by any false claims law investigator  
20 identified in the demand.

21 (2) The petition shall specify each ground upon  
22 which the petitioner relies in seeking relief under  
23 subparagraph (1), and may be based upon any failure  
24 of the demand to comply with the provisions of this  
25 section or upon any constitutional or other legal right  
26 or privilege of such person. During the pendency of  
27 the petition in the court, the court may stay, as it  
28 deems proper, the running of the time allowed for  
29 compliance with the demand, in whole or in part, except  
30 that the person filing the petition shall comply with  
31 any portions of the demand not sought to be modified  
32 or set aside.

33 c. (1) In the case of any civil investigative  
34 demand issued under subsection 1 which is an express  
35 demand for any product of discovery, the person from  
36 whom such discovery was obtained may file, in the  
37 district court of the state for the county in which  
38 the proceeding in which such discovery was obtained is  
39 or was last pending, and serve upon any false claims  
40 law investigator identified in the demand and upon the  
41 recipient of the demand, a petition for an order of  
42 such court to modify or set aside those portions of  
43 the demand requiring production of any such product  
44 of discovery. Any petition under this subparagraph  
45 shall be filed in accordance with the following, as  
46 applicable:

47 (a) Within twenty days after the date of service of  
48 the civil investigative demand, or at any time before  
49 the return date specified in the demand, whichever date  
50 is earlier.

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1 (b) Within such longer period as may be prescribed  
2 in writing by any false claims law investigator  
3 identified in the demand.

4 (2) The petition shall specify each ground upon  
5 which the petitioner relies in seeking relief under  
6 subparagraph (1), and may be based upon any failure of  
7 the portions of the demand from which relief is sought  
8 to comply with the provisions of this section, or upon  
9 any constitutional or other legal right or privilege of  
10 the petitioner. During the pendency of the petition,  
11 the court may stay, as it deems proper, compliance with  
12 the demand and the running of the time allowed for  
13 compliance with the demand.

14 d. At any time during which any custodian is in  
15 custody or control of any documentary material or  
16 answers to interrogatories produced, or transcripts of  
17 oral testimony given, by any person in compliance with  
18 any civil investigative demand issued under subsection  
19 1, such person, and in the case of an express demand  
20 for any product of discovery, the person from whom such  
21 discovery was obtained, may file, in the district court  
22 of state for the judicial district within which the  
23 office of such custodian is located, and serve upon  
24 such custodian, a petition for an order of such court  
25 to require the performance by the custodian of any duty  
26 imposed upon the custodian by this section.

27 e. If a petition is filed in any district court  
28 of the state under this subsection, such court shall  
29 have jurisdiction to hear and determine the matter so  
30 presented, and to enter such order or orders as may be  
31 required to carry out the provisions of this section.  
32 Any final order so entered shall be subject to appeal  
33 in accordance with the Iowa rules of civil procedure.  
34 Any disobedience of any final order entered under this  
35 section by any court shall be punished as a contempt  
36 of the court.

37 f. The Iowa rules of civil procedure shall apply to  
38 any petition under this subsection, to the extent that  
39 such rules are not inconsistent with the provisions of  
40 this section.

41 10. Disclosure exemption. Any documentary material,  
42 answers to written interrogatories, or oral testimony  
43 provided under any civil investigative demand issued  
44 under subsection 1 shall be deemed confidential and  
45 exempt from disclosure under chapter 22.

46 Sec. \_\_. NEW SECTION. 685.7 Rulemaking authority.

47 The attorney general may adopt such rules and  
48 regulations as are necessary to effectuate the purposes  
49 of this chapter.

50 Sec. \_\_. ANNUAL REPORTING REQUIREMENT. On the

1 thirtieth day after the effective date of this division  
 2 of this Act, and on the anniversary of the effective  
 3 date of this division of this Act each year thereafter,  
 4 the attorney general shall submit to the chairpersons  
 5 and ranking members of the house and senate committees  
 6 on judiciary, the legislative caucus staffs, and the  
 7 legislative services agency, in electronic format, a  
 8 report containing all of the following information:

9 1. The number of cases the attorney general filed  
 10 during the previous calendar year under this chapter.

11 2. The number of cases qui tam plaintiffs filed  
 12 under this chapter during the previous calendar year,  
 13 including those cases that remain under seal, and  
 14 specifying all of the following for the cases:

15 a. The state or federal court in which each case  
 16 was filed and the total number filed in each court.

17 b. The state program or agency involved in each  
 18 case.

19 c. The number of cases filed by qui tam plaintiffs  
 20 who previously filed an action based on the same or  
 21 similar transaction or allegation under the federal  
 22 False Claims Act or the false claims act of another  
 23 state.

24 3. The amount recovered by the state in the form of  
 25 settlement, damages, penalties, and litigation costs,  
 26 if known, and specifying the following for each case:

27 a. The case number and parties for each case in  
 28 which there was a recovery.

29 b. The amount of funds recovered respectively for  
 30 damages, penalties, and litigation costs.

31 c. The percentage of the recovery and the amount  
 32 that the state paid to any qui tam plaintiff.

33 Sec. \_\_\_\_ DEPARTMENT OF JUSTICE — FALSE CLAIMS ACT

34 ENFORCEMENT. There is appropriated from the general  
 35 fund of the state to the department of justice for the  
 36 fiscal year beginning July 1, 2010, and ending June 30,  
 37 2011, the following amount, or so much thereof as is  
 38 necessary, to be used for the purposes designated:

39 For the general office of the attorney general,  
 40 including salaries, support, maintenance, miscellaneous  
 41 purposes, and for not more than the following full-time  
 42 equivalent positions:

43 .....	\$	60,000
44 .....	FTEs	1.00>>

45 48. Page 212, line 35, by striking <under a> and  
 46 inserting <under each>

47 49. Page 213, line 2, by striking <waivers> and  
 48 inserting <applicable waiver>

49 50. Page 213, line 5, after <median> by inserting  
 50 <as applicable to each waiver. The use of trigger



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1 mechanism and the approval process is intended to  
2 preserve necessary services while preventing overuse  
3 of services>

4 51. By striking page 220, line 17, through page  
5 222, line 2.

6 52. Page 222, by striking lines 5 through 32.

7 53. By striking page 223, line 34, through page  
8 224, line 12.

9 54. Page 246, line 30, by striking <REPEAL OF>

10 55. Page 247, after line 9 by inserting:

11 <Sec. \_\_\_\_ Section 135.107, subsection 5, paragraph  
12 a, Code Supplement 2009, is amended to read as follows:

13 a. There is established an advisory committee to  
14 the center for rural health and primary care consisting

15 of one representative, approved by the respective

16 agency, of each of the following agencies: the

17 department of agriculture and land stewardship, the

18 Iowa department of public health, the department of

19 inspections and appeals, the national institute for

20 rural health policy, the rural health resource center,

21 the institute of agricultural medicine and occupational

22 health, and the Iowa state association of counties.

23 The governor shall appoint two representatives of

24 consumer groups active in rural health issues and a

25 representative of each of two farm organizations active

26 within the state, a representative of an agricultural

27 business in the state, a representative of a critical

28 needs hospital, a practicing rural family physician,

29 a practicing rural physician assistant, a practicing

30 rural advanced registered nurse practitioner, and

31 a rural health practitioner who is not a physician,

32 physician assistant, or advanced registered nurse

33 practitioner, as members of the advisory committee.

34 The advisory committee shall also include as members

35 two state representatives, one appointed by the speaker

36 of the house of representatives and one by the minority

37 leader of the house, and two state senators, one

38 appointed by the majority leader of the senate and one

39 by the minority leader of the senate.>

40 56. Page 247, by striking line 17 and inserting:

41 <Sec. \_\_\_\_ REPEAL. Sections 135.28, 135N.1,  
42 135N.2, 135N.3, 135N.4, 135N.5, 135N.6, and 142C.16,  
43 Code 2009, are repealed.>

44 57. Page 248, after line 29 by inserting:

45 <DIVISION \_\_\_\_  
46 DEPARTMENT OF HUMAN  
47 SERVICES — LEVEL OF CARE

48 Sec. \_\_\_\_ LEVEL OF CARE EVALUATION. The department  
49 of human services shall amend the medical assistance  
50 program home and community-based services waiver for

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1 persons with intellectual disabilities so that required  
 2 evaluations performed subsequent to the initial  
 3 diagnosis of mental retardation are for the purpose of  
 4 determining the appropriate level of care rather than  
 5 confirming the original diagnosis.>

6 58. Page 248, after line 29 by inserting:

7 <DIVISION \_\_\_\_

8 DEPARTMENT OF HUMAN  
 9 SERVICES — TRANSPORTATION SERVICES

10 Sec. \_\_\_\_ INCLUSION OF TRANSPORTATION

11 SERVICES. The department of human services shall amend  
 12 the medical assistance program home and community-based  
 13 services waiver for persons with intellectual  
 14 disabilities as necessary for employment-related  
 15 transportation to be covered by the supported community  
 16 living services provider.>

17 59. Page 248, lines 31 and 32, by striking <FUNDS  
 18 TRANSFER PAYMENTS> and inserting <TRANSACTIONS>

19 60. Page 248, before line 33 by inserting:

20 <Sec. \_\_\_\_ Section 217.6, Code 2009, is amended by

21 adding the following new unnumbered paragraph:  
 22 NEW UNNUMBERED PARAGRAPH. If the department of  
 23 human services requires or requests a service consumer,  
 24 service provider, or other person to maintain required  
 25 documentation in electronic form, the department shall  
 26 accept such documentation submitted by electronic  
 27 means and shall not require a physical copy of the  
 28 documentation unless required by state or federal law.>

29 61. By striking page 249, line 12, through page  
 30 250, line 7.

31 62. Page 252, line 32, after <subdivision> by  
 32 inserting <and hired by the political subdivision>

33 63. Page 253, after line 3 by inserting:

34 <Sec. \_\_\_\_ Section 80B.11E, subsection 1, Code  
 35 2009, is amended to read as follows:

36 1. Notwithstanding any other provision of law to  
 37 the contrary, an individual who is not a certified law  
 38 enforcement officer may apply for attendance at the  
 39 law enforcement academy ~~at their own expense~~ if such  
 40 individual is sponsored by a law enforcement agency  
 41 that either intends to hire or has hired the individual  
 42 as a law enforcement officer on the condition that the  
 43 individual meets the minimum eligibility standards  
 44 described in subsection 2. The costs for attendance by  
 45 such an individual at the law enforcement academy shall  
 46 be paid as provided in section 80B.11B.>

47 64. Page 253, line 19, by striking four and  
 48 inserting two

49 65. Page 254, line 26, by striking 2014 and  
 50 inserting 2013

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- 1 66. Page 254, line 27, by striking fourth and
- 2 inserting second
- 3 67. By renumbering as necessary.

### S-5073

- 1 Amend Senate File 2329 as follows:
- 2 1. By striking page 1, line 22, through page 2,
- 3 line 1, and inserting:
- 4 <(1) One member representing the Iowa
- 5 telecommunications and technology commission.
- 6 (2) One member representing the department of
- 7 education.
- 8 (3) One member representing state agency users of
- 9 the network not otherwise designated pursuant to this
- 10 section.
- 11 (4) One member representing area education
- 12 agencies.
- 13 (5) One member representing the office of the
- 14 attorney general.
- 15 (6) One member representing the Iowa state
- 16 association of counties.
- 17 (7) One member representing the Iowa league of
- 18 cities.
- 19 (8) One member representing the Iowa association
- 20 of school boards.
- 21 (9) One member representing the for-profit
- 22 telecommunications industry.
- 23 (10) One member representing a municipal utility
- 24 providing telecommunications services.
- 25 (11) One member representing the cable television
- 26 industry.
- 27 (12) Four members representing the general public.>

RICH OLIVE

### S-5074

- 1 Amend Senate File 2291 as follows:
- 2 1. Page 1, after line 11 by inserting:
- 3 <Sec. \_\_\_\_ Section 256B.3, Code 2009, is amended by
- 4 adding the following new subsection:
- 5 NEW SUBSECTION. 14A. To submit copies of all
- 6 reports the division provides to the United States
- 7 department of education under part B of the federal
- 8 Individuals with Disabilities Education Act, as
- 9 amended, including but not limited to any report
- 10 concerning disproportionate representation in special
- 11 education based on race or ethnicity, to the general
- 12 assembly on the date each such report is provided to

13 the United States department of education.>  
 14 2. By renumbering as necessary.

BECKY SCHMITZ

**S-5075**

1 Amend Senate File 2274 as follows:  
 2 1. Page 1, line 8, before <child> by inserting  
 3 <dependent>  
 4 2. Page 1, line 9, before <child> by inserting  
 5 <dependent>  
 6 3. Page 1, by striking lines 10 and 11 and  
 7 inserting <classified as a resident ~~until the close~~  
 8 ~~of the fiscal year in which~~ provided the spouse or  
 9 dependent child is enrolled maintains continuous  
 10 enrollment.>  
 11 4. Page 1, after line 28 by inserting:  
 12 <Sec. \_\_\_\_ Section 261.9, subsection 1, paragraph  
 13 g, Code 2009, is amended to read as follows:  
 14 g. (1) Adopts a policy to offer not less than the  
 15 following options to a student who is a member, or  
 16 the spouse of a member if the member has a dependent  
 17 child, of the Iowa national guard or reserve forces of  
 18 the United States and who is ordered to state military  
 19 service or federal service or duty:  
 20 ~~(1)~~ (a) Withdraw from the student's entire  
 21 registration and receive a full refund of tuition and  
 22 mandatory fees.  
 23 ~~(2)~~ (b) Make arrangements with the student's  
 24 instructors for course grades, or for incompletes that  
 25 shall be completed by the student at a later date. If  
 26 such arrangements are made, the student's registration  
 27 shall remain intact and tuition and mandatory fees  
 28 shall be assessed for the courses in full.  
 29 ~~(3)~~ (c) Make arrangements with only some of the  
 30 student's instructors for grades, or for incompletes  
 31 that shall be completed by the student at a later  
 32 date. If such arrangements are made, the registration  
 33 for those courses shall remain intact and tuition and  
 34 mandatory fees shall be assessed for those courses.  
 35 Any course for which arrangements cannot be made for  
 36 grades or incompletes shall be considered dropped and  
 37 the tuition and mandatory fees for the course refunded.  
 38 (2) As used in this lettered paragraph, "dependent  
 39 child" means the same as defined in section 260C.14,  
 40 subsection 14, paragraph "b", subparagraph (2),  
 41 subparagraph division (a).>  
 42 5. Page 2, line 1, before <child> by inserting  
 43 <dependent>  
 44 6. Page 2, line 3, before <child> by inserting  
 45 <dependent>

- 46 7. Page 2, by striking lines 4 and 5 and inserting  
 47 <resident ~~until the close of the fiscal year in~~  
 48 ~~which provided~~ the spouse or dependent child is  
 49 enrolled maintains continuous enrollment.>  
 50 8. By renumbering as necessary.

STEVE WARNSTADT

**S-5076**

- 1 Amend Senate File 2150 as follows:  
 2 1. By striking page 1, line 3, through page 2, line  
 3 22, and inserting:  
 4 <2. Intermediate license.  
 5 a. The department may issue an intermediate  
 6 driver's license to a person sixteen or seventeen years  
 7 of age who possesses an instruction permit issued under  
 8 subsection 1 or a comparable instruction permit issued  
 9 by another state for a minimum of ~~six~~ twelve months  
 10 immediately preceding application, and who presents an  
 11 affidavit signed by a parent, guardian, or custodian  
 12 on a form to be provided by the department that the  
 13 permittee has accumulated a total of twenty hours of  
 14 street or highway driving of which two hours were  
 15 conducted after sunset and before sunrise and the  
 16 street or highway driving was with the permittee's  
 17 parent, guardian, custodian, instructor, a person  
 18 certified by the department, or a person at least  
 19 twenty-five years of age who had written permission  
 20 from a parent, guardian, or custodian to accompany  
 21 the permittee, and whose driving privileges have  
 22 not been suspended, revoked, or barred under this  
 23 chapter or chapter 321J during, and who has been  
 24 accident and violation free continuously for, the  
 25 ~~six-month~~ twelve-month period immediately preceding the  
 26 application for an intermediate license. An applicant  
 27 for an intermediate license must meet the requirements  
 28 of section 321.186, including satisfactory completion  
 29 of driver education as required in section 321.178  
 30 or 321.180C, and payment of the required license fee  
 31 before an intermediate license will be issued.  
 32 b. ~~A~~ Unless accompanied in accordance with  
 33 subsection 1, a person issued an intermediate license  
 34 must limit the number of unrelated minor passengers in  
 35 the motor vehicle when the intermediate licensee is  
 36 operating the motor vehicle to ~~the number of passenger~~  
 37 ~~safety belts~~ one. For purposes of this subsection,  
 38 "unrelated minor passenger" means a passenger who is  
 39 under twenty-one years of age and who is not a sibling  
 40 of the driver, a stepsibling of the driver, or a child  
 41 who resides in the same household as the driver.  
 42 c. Except as otherwise provided, a person issued

43 an intermediate license under this subsection who  
 44 is operating a motor vehicle between the hours of  
 45 ~~twelve thirty a.m. eleven p.m.~~ and five a.m. must be  
 46 accompanied by a person issued a driver's license  
 47 valid for the vehicle operated who is the parent,  
 48 guardian, or custodian of the ~~permittee~~ intermediate  
 49 licensee, a member of the ~~permittee's intermediate~~  
 50 licensee's immediate family if the family member

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1 is at least twenty-one years of age, an approved  
 2 driver education instructor, a prospective driver  
 3 education instructor who is enrolled in a practitioner  
 4 preparation program with a safety education program  
 5 approved by the state board of education, or a person  
 6 at least twenty-five years of age if written permission  
 7 is granted by the parent, guardian, or custodian, and  
 8 who is actually occupying a seat beside the driver.  
 9 However, a licensee may operate a vehicle to and  
 10 from school-related extracurricular activities and  
 11 work without an accompanying driver between the hours  
 12 of ~~twelve thirty a.m. eleven p.m.~~ and five a.m. if  
 13 ~~such~~ the licensee possesses a waiver on a form to be  
 14 provided by the department. An accompanying driver  
 15 is not required between the hours of five a.m. and  
 16 ~~twelve thirty a.m. eleven p.m.~~>

17 2. Page 3, after line 9 by inserting:

18 <Sec. \_\_\_\_ NEW SECTION. 321.180C Intermediate  
 19 driver's license — special procedure.

20 1. Teaching parent. As an alternative to the  
 21 driver education requirements under section 321.178,  
 22 a teaching parent may instruct a student in a driver  
 23 education course that meets the requirements of this  
 24 section and provide evidence that the requirements  
 25 under this section have been met.

26 2. Definitions. For purposes of this section:

27 a. "Approved course" means driver education  
 28 curriculum approved by the department pursuant to rules  
 29 adopted under chapter 17A. An approved course shall,  
 30 at a minimum, meet the requirements of subsection 3  
 31 and be appropriate for teaching-parent-directed driver  
 32 education and related street or highway instruction.  
 33 Driver education materials that meet or exceed  
 34 standards established by the department for an approved  
 35 course in driver education for a public or private  
 36 school shall be approved unless otherwise determined by  
 37 the department. The list of approved courses shall be  
 38 posted on the department's internet site.

39 b. "Student" means a person between the ages of  
 40 fourteen and twenty-one years who is within the custody  
 41 and control of the teaching parent and who satisfies

42 preliminary licensing requirements of the department.  
43 c. "Teaching parent" means a parent, guardian,  
44 or legal custodian of a student who is currently  
45 providing competent private instruction to the student  
46 pursuant to section 299A.2 or 299A.3 and who provided  
47 such instruction to the student during the previous  
48 year; who has a valid driver's license, other than a  
49 motorized bicycle license or a temporary restricted  
50 license, that permits unaccompanied driving; and who

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1 has maintained a clear driving record for the previous  
2 two years. For purposes of this paragraph, "clear  
3 driving record" means the individual has not been  
4 identified as a candidate for suspension of a driver's  
5 license under the habitual offender provisions of the  
6 department's regulations; is not subject to a driver's  
7 license suspension, revocation, denial, cancellation,  
8 disqualification, or bar; and has no record of a  
9 conviction for a moving traffic violation determined to  
10 be the cause of a motor vehicle accident.

11 3. Course of instruction.

12 a. An approved course administered by a teaching  
13 parent shall consist of but not be limited to the  
14 following:

15 (1) Thirty clock hours of classroom instruction.

16 (2) Forty hours of street or highway driving  
17 including four hours of driving after sunset and before  
18 sunrise while accompanied by the teaching parent.

19 (3) Four hours of classroom instruction concerning  
20 substance abuse.

21 (4) A minimum of twenty minutes of instruction  
22 concerning railroad crossing safety.

23 (5) Instruction relating to becoming an organ  
24 donor under the revised uniform anatomical gift Act as  
25 provided in chapter 142C.

26 (6) Instruction providing an awareness about  
27 sharing the road with bicycles and motorcycles.

28 b. The content of the course of instruction  
29 required under this subsection shall be equivalent  
30 to that required under section 321.178. However,  
31 reference and study materials, physical classroom  
32 requirements, and extra vehicle safety equipment  
33 required for instruction under section 321.178 shall  
34 not be required for the course of instruction provided  
35 under this section.

36 4. Course completion and certification. Upon  
37 application by a student for an intermediate license,  
38 the teaching parent shall provide evidence showing  
39 the student's completion of an approved course and  
40 substantial compliance with the requirements of

41 subsection 3 by affidavit signed by the teaching  
 42 parent on a form to be provided by the department. The  
 43 evidence shall include all of the following:  
 44 a. Documentation that the instructor is a teaching  
 45 parent as defined in subsection 2.  
 46 b. Documentation that the student is receiving  
 47 competent private instruction under section 299A.2  
 48 or the name of the school district within which the  
 49 student is receiving instruction under section 299A.3.  
 50 c. The name of the approved course completed by the

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1 student.  
 2 d. An affidavit attesting to satisfactory  
 3 completion of course work and street or highway driving  
 4 instruction.  
 5 e. Copies of written tests completed by the  
 6 student.  
 7 f. A statement of the number of classroom hours of  
 8 instruction.  
 9 g. A log of completed street or highway driving  
 10 instruction including the dates when the lessons were  
 11 conducted, the student's and the teaching parent's name  
 12 and initials noted next to each entry, notes on driving  
 13 activities including a list of driving deficiencies and  
 14 improvements, and the duration of the driving time for  
 15 each session.  
 16 5. Intermediate license. Any student who  
 17 successfully completes an approved course as  
 18 provided in this section, passes a driving test to  
 19 be administered by the department, and is otherwise  
 20 qualified under section 321.180B, subsection 2, shall  
 21 be eligible for an intermediate license pursuant  
 22 to section 321.180B. Twenty of the forty hours of  
 23 street or highway driving instruction required under  
 24 subsection 3, paragraph "a", subparagraph (2), may  
 25 be utilized to satisfy the requirement of section  
 26 321.180B, subsection 2.  
 27 6. Full license. A student must comply with  
 28 section 321.180B, subsection 4, to be eligible for a  
 29 full driver's license pursuant to section 321.180B.>  
 30 3. By renumbering as necessary.

MERLIN BARTZ

**S-5077**

1 Amend Senate File 2279 as follows:  
 2 1. By striking everything after the enacting clause  
 3 and inserting:  
 4 <Section 1. Section 96.40, subsection 2, paragraph



- 5 i, Code Supplement 2009, is amended to read as follows:  
6 i. The duration of the shared work plan will  
7 not exceed fifty-two weeks. ~~An employing unit is~~  
8 ~~eligible for approval of only one plan during a~~  
9 ~~twenty four month period.~~  
10 2. Title page, by striking lines 1 and 2 and  
11 inserting <An Act relating to voluntary shared work  
12 plans under the unemployment compensation program.>

THOMAS G. COURTNEY

## S-5078

- 1 Amend Senate File 2150 as follows:  
2 1. Page 3, after line 9 by inserting:  
3 <Sec. \_\_\_\_ Section 321.184, subsection 2, Code  
4 Supplement 2009, is amended to read as follows:  
5 2. Withdrawal of consent. The person who provided  
6 the signed consent under subsection 1 may withdraw that  
7 consent at any time. The withdrawal of consent shall  
8 be in writing, signed and verified. The department,  
9 upon receipt of the withdrawal of consent, shall cancel  
10 the applicant's driver's license and shall not issue a  
11 new license until such time as a new application, duly  
12 signed and verified by either legal custodial parent  
13 of the applicant, the guardian of the applicant, or a  
14 person having custody of the applicant under chapter  
15 232 or 600A, is made as required in this chapter. This  
16 subsection does not apply if the licensee or permittee  
17 has attained the age of eighteen years or is married.>  
18 2. Page 3, by striking lines 21 and 22 and  
19 inserting:  
20 <Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT.  
21 1. Except as provided in subsection 2, this Act  
22 takes effect January 1, 2011.  
23 2. The section of this Act amending section  
24 321.184, subsection 2, being deemed of immediate  
25 importance, takes effect upon enactment.>  
26 3. Title page, lines 1 and 2, by striking  
27 <intermediate driver's licenses and special minor's  
28 licenses,> and inserting <driver's licenses issued to  
29 persons under eighteen years of age,>  
30 4. By renumbering as necessary.

MERLIN BARTZ

**S-5079**

- 1 Amend Senate File 2273 as follows:  
 2 1. Title page, line 2, by striking <vehicles.>,  
 3 and inserting <vehicles, and containing effective date  
 4 provisions.>

STEVE WARNSTADT

**S-5080**

- 1 Amend the amendment, S-5076, to Senate File 2150 as  
 2 follows:  
 3 1. Page 1, line 45, by striking <twelve thirty  
 4 ~~a.m. eleven p.m.~~> and inserting <twelve-thirty a.m.>  
 5 2. Page 2, line 12, by striking <twelve thirty  
 6 ~~a.m. eleven p.m.~~> and inserting <twelve-thirty a.m.>  
 7 3. Page 2, line 16, by striking <twelve thirty  
 8 ~~a.m. eleven p.m.~~> and inserting <twelve-thirty a.m.>  
 9 4. By renumbering as necessary.

MERLIN BARTZ

**S-5081**

- 1 Amend Senate File 2343 as follows:  
 2 1. Page 1, before line 1 by inserting:  
 3 <Section 1. Section 602.1610, subsection 1,  
 4 paragraph c, Code 2009, is amended to read as follows:  
 5 c. The mandatory retirement age is seventy-two  
 6 years for all district associate judges, associate  
 7 juvenile judges, associate probate judges, and judicial  
 8 magistrates. ~~However, the mandatory retirement age~~  
 9 ~~does not apply to an associate juvenile judge or~~  
 10 ~~associate probate judge who is seventy-two years of age~~  
 11 ~~or older on July 1, 1996.>~~

LARRY NOBLE

**S-5082**

- 1 Amend Senate File 2317 as follows:  
 2 1. Page 1, line 27, by striking <shall> and  
 3 inserting <may>  
 4 2. Page 2, line 8, by striking <both> and inserting  
 5 <both,>  
 6 3. Page 2, line 24, before <one> by inserting <at  
 7 least>  
 8 4. Page 3, line 13, by striking <to> and inserting  
 9 <of>

ROBERT M. HOGG

**S-5083**

- 1 Amend the House amendment, S-5072, to Senate File  
2 2088, as amended, passed, and reprinted by the Senate,  
3 as follows:
- 4 1. Page 24, after line 13 by inserting:  
5 <\_\_\_.Page 40, after line 12 by inserting:  
6 <Sec. \_\_\_. Section 8A.111, Code 2009, is amended by  
7 adding the following new subsection:  
8 NEW SUBSECTION. 17. An annual report concerning  
9 total purchases from businesses located within the  
10 state and businesses located outside the state and  
11 the percentage of total purchases from targeted small  
12 businesses and disadvantaged business enterprises, as  
13 defined in section 314.14. >>
  - 14 2. By renumbering as necessary.

DAVID HARTSUCH

**S-5084**

- 1 Amend the House amendment, S-5072, to Senate File  
2 2088, as amended, passed, and reprinted by the Senate,  
3 as follows:
- 4 1. Page 24, after line 13 by inserting:  
5 <\_\_\_.Page 42, after line 4 by inserting:  
6 <4. The procurement goal from targeted small  
7 businesses and disadvantaged business enterprises,  
8 as defined in section 314.14, for items purchased  
9 through centralized purchasing shall be at least five  
10 percent.>>
  - 11 2. By renumbering as necessary.

DAVID HARTSUCH

**S-5085**

- 1 Amend Senate File 2329 as follows:
- 2 1. By striking page 1, line 22, through page 2,  
3 line 1, and inserting:  
4 <(1) One member representing the Iowa  
5 telecommunications and technology commission.  
6 (2) One member representing the Iowa utilities  
7 board.  
8 (3) One member representing the department of  
9 economic development.  
10 (4) One member representing the department of  
11 education.  
12 (5) One member representing state agency users of  
13 the network not otherwise designated pursuant to this  
14 section.  
15 (6) One member representing area education

16 agencies.  
 17 (7) One member representing the office of the  
 18 attorney general.  
 19 (8) One member representing the Iowa state  
 20 association of counties.  
 21 (9) One member representing the Iowa league of  
 22 cities.  
 23 (10) One member representing the Iowa association  
 24 of school boards.  
 25 (11) One member representing the wired  
 26 telecommunications industry.  
 27 (12) One member representing the wireless  
 28 telecommunications industry.  
 29 (13) One member representing a municipal utility  
 30 providing telecommunications services.  
 31 (14) One member representing the cable television  
 32 industry.  
 33 (15) Three members representing the general  
 34 public.>

RICH OLIVE

### S-5086

1 Amend Senate File 2321 as follows:  
 2 1. Page 1, line 25, by striking <write or send> and  
 3 inserting <write, send, or read>  
 4 2. Page 1, lines 27 and 28, by striking <writing or  
 5 sending> and inserting <writing, sending, or reading>  
 6 3. Title page line 1, by striking <writing or  
 7 sending>, and inserting: <writing, sending, or  
 8 reading>  
 9 4. By renumbering as necessary.

STACI APPEL  
 BILL HECKROTH

### S-5087

1 Amend Senate File 2265 as follows:  
 2 1. Page 2, by striking lines 31 and 32 and  
 3 inserting <improve air quality.>  
 4 2. Page 17, by striking line 2.  
 5 3. By renumbering, redesignating, and correcting  
 6 internal references as necessary.

BILL HECKROTH

**S-5088**

1 Amend Senate File 2330 as follows:  
2 1. Page 1, line 4, after <requires> by inserting <,  
3 or has the effect of requiring,>  
4 2. Page 1, line 8, after <34.1> by inserting <,  
5 relating to an allegation of domestic abuse>  
6 3. Page 1, line 11, after <34.1> by inserting <,  
7 relating to an allegation of domestic abuse>  
8 4. Page 1, line 13, by striking <a person on the  
9 premises> and inserting <any person relating to an  
10 allegation of domestic abuse>  
11 5. Page 1, line 25, by striking <requires> and  
12 inserting <, or has the effect of requiring,>  
13 6. Page 1, line 29, after <34.1> by inserting <,  
14 relating to an allegation of domestic abuse>  
15 7. Page 1, line 32, after <34.1> by inserting <,  
16 relating to an allegation of domestic abuse>  
17 8. Page 1, line 34, by striking <a person on the  
18 premises> and inserting <any person relating to an  
19 allegation of domestic abuse>  
20 9. Title page, line 2, after <require> by inserting  
21 <, or have the effect of requiring,>

RICH OLIVE

**S-5089**

1 Amend House File 2376, as passed by the House, as  
2 follows:  
3 1. Page 1, line 3, after <1.> by inserting <a.>  
4 2. Page 1, after line 8 by inserting:  
5 <b. This section shall only apply to petitions for  
6 the severance and annexation of territory meeting all  
7 of the following conditions:  
8 (1) The territory is located in a county having a  
9 population of more than one hundred fifteen thousand  
10 but not more than one hundred thirty thousand,  
11 according to the 2000 certified federal census.  
12 (2) The city from which severance is sought has a  
13 population of more than two thousand one hundred but  
14 not more than two thousand two hundred, according to  
15 the 2000 certified federal census.  
16 (3) The city to which annexation is requested has a  
17 population of more than thirty-five thousand but not  
18 more than thirty-eight thousand, according to the 2000  
19 certified federal census.>  
20 3. Title page, line 1, before <real> by inserting  
21 <certain>

SHAWN HAMERLINCK

**S-5090**

1 Amend Senate File 2355 as follows:  
2 1. Page 1, before line 1 by inserting:  
3 <Section 1. Section 100.35, Code 2009, is amended  
4 to read as follows:  
5 100.35 Rules of marshal.  
6 1. The fire marshal shall adopt, and may amend  
7 rules under chapter 17A, which include standards  
8 relating to exits and exit lights, fire escapes,  
9 fire protection, fire safety and the elimination of  
10 fire hazards, in and for churches, schools, hotels,  
11 theaters, amphitheaters, hospitals, health care  
12 facilities as defined in section 135C.1, boarding homes  
13 or housing, rest homes, dormitories, college buildings,  
14 lodge halls, club rooms, public meeting places, places  
15 of amusement, apartment buildings, food establishments  
16 as defined in section 137F.1, and all other buildings  
17 or structures in which persons congregate from time to  
18 time, whether publicly or privately owned. Violation  
19 of a rule adopted by the fire marshal is a simple  
20 misdemeanor. However, upon proof that the fire marshal  
21 gave written notice to the defendant of the violation,  
22 and proof that the violation constituted a clear and  
23 present danger to life, and proof that the defendant  
24 failed to eliminate the condition giving rise to the  
25 violation within thirty days after receipt of notice  
26 from the fire marshal, the penalty is that provided  
27 by law for a serious misdemeanor. Each day of the  
28 continuing violation of a rule after conviction of  
29 a violation of the rule is a separate offense. A  
30 conviction is subject to appeal as in other criminal  
31 cases.  
32 2. Rules by the fire marshal affecting the  
33 construction of new buildings, additions to  
34 buildings, or rehabilitation of existing buildings and  
35 related to fire protection, shall be substantially  
36 in accord with the provisions of the nationally  
37 recognized building and related codes adopted as the  
38 state building code pursuant to section 103A.7 or with  
39 codes adopted by a local subdivision which are in  
40 substantial accord with the codes comprising the state  
41 building code. The rules adopted by the fire marshal  
42 shall not require the installation of fire sprinklers  
43 or a related fire suppression system in a one-family  
44 or two-family residential dwelling or a residential  
45 building that contains no more than four dwelling  
46 units.  
47 3. The rules adopted by the state fire marshal  
48 under this section shall provide standards for fire  
49 resistance of cellulose insulation sold or used in this  
50 state, whether for public or private use. The rules

Page 2

- 1 shall provide for approval of the cellulose insulation
- 2 by at least one nationally recognized independent
- 3 testing laboratory.>
- 4 2. Title page, line 1, after <to> by inserting
- 5 <residential sprinkler requirements and to>
- 6 3. By renumbering as necessary.

SHAWN HAMERLINCK

### S-5091

- 1 Amend Senate File 2298 as follows:
- 2 1. Page 1, line 16, by striking <subsection> and
- 3 inserting <subsections>
- 4 2. Page 1, after line 32 by inserting:
- 5 <NEW SUBSECTION. 5. For purposes of this section,
- 6 "attend" includes the appearance of the child at a
- 7 hearing by video or telephonic means.>

KEITH A. KREIMAN

### S-5092

- 1 Amend Senate File 2355 as follows:
- 2 1. Page 8, after line 10 by inserting:
- 3 <Sec. \_\_\_. Section 100D.11, Code Supplement 2009,
- 4 is amended by adding the following new subsection:
- 5 NEW SUBSECTION. 4. The provisions of this chapter
- 6 shall not require the installation of fire sprinklers
- 7 or a related fire suppression system in a one-family
- 8 or two-family residential dwelling or a residential
- 9 building that contains no more than four dwelling
- 10 units.>
- 11 2. By renumbering as necessary.

SHAWN HAMERLINCK

### S-5093

- 1 Amend Senate File 2337 as follows:
- 2 1. Page 2, by striking lines 12 through 21 and
- 3 inserting <for each hour the employee works for the
- 4 employer as provided in this chapter.
- 5 2. a. An employee shall accrue a minimum of one
- 6 hundred sixteen ten-thousandths of an hour of paid sick
- 7 and safe time for each hour worked for the employer.
- 8 An employee who works two thousand eighty hours in a
- 9 calendar year shall accrue approximately twenty-four
- 10 hours of paid sick and safe time. An employer may set
- 11 a higher accrual rate for paid sick and safe time.

- 12 b. An employee shall not accrue more than forty  
 13 hours of paid sick and safe time in a calendar year,>  
 14 2. Page 4, line 16, after <emergency> by inserting  
 15 <unless such time off shall be made up as agreed to in  
 16 a contract or collective bargaining agreement between  
 17 the employer and employee, or is otherwise required by  
 18 law>  
 19 3. By renumbering as necessary.

THOMAS G. COURTNEY

### S-5094

- 1 Amend Senate File 2253 as follows:  
 2 1. By striking everything after the enacting clause  
 3 and inserting:  
 4 <Section 1. Section 602.4201, Code Supplement 2009,  
 5 is amended by adding the following new subsection:  
 6 NEW SUBSECTION. 1A. The supreme court may also  
 7 prescribe rules allowing a judicial officer to conduct  
 8 a hearing using video conferencing or telephonic  
 9 means, whenever possible, to meet statutory in-person  
 10 hearing requirements. The rules prescribed shall allow  
 11 a party to require a hearing to be conducted in the  
 12 physical presence of the other parties and the judicial  
 13 officer.>  
 14 2. Title page, line 2, after <conference> by  
 15 inserting <and telephonic means>  
 16 3. By renumbering as necessary.

KEITH A. KREIMAN

### S-5095

- 1 Amend House File 2200, as passed by the House, as  
 2 follows:  
 3 1. Page 1, line 7, by striking <permanently>

COMMITTEE ON NATURAL RESOURCES  
 DICK L. DEARDEN, Chair

### S-5096

- 1 Amend Senate File 2316 as follows:  
 2 1. Page 1, by striking lines 1 through 11.  
 3 2. Page 1, line 22, by striking <adopt> and  
 4 inserting <develop>  
 5 3. Page 2, by striking line 3 and inserting  
 6 <The department shall consider including all of the  
 7 following in the model ordinance:>  
 8 4. Page 2, by striking lines 18 through 23 and  
 9 inserting <identified on a flood insurance rate map



- 10 certified by the federal emergency management agency  
11 or, if a certified flood insurance rate map is not  
12 available, on a map developed by the department.>  
13 5. Page 2, line 26, by striking <"facilities  
14 critical> and inserting <facilities "critical>  
15 6. Page 2, line 27, by striking <includes> and  
16 inserting <include>  
17 7. Page 2, line 29, by striking <water supply and  
18 distribution facilities,>  
19 8. By striking page 2, line 32, through page 3,  
20 line 5.  
21 9. Page 3, by striking lines 6 and 7 and inserting:  
22 <2. Any construction of a new facility, or any  
23 substantial modification or improvement of an existing  
24 facility, critical for the health and safety>  
25 10. Page 3, line 9, after <plain> by inserting <as  
26 identified on a flood insurance rate map certified  
27 by the federal emergency management agency or, if a  
28 certified flood insurance rate map is not available, on  
29 a map developed by the department>  
30 11. Page 3, line 17, by striking <4.> and inserting  
31 <3.>  
32 12. Page 3, by striking lines 20 through 24 and  
33 inserting:  
34 <4. Not later than December 31, 2012, the  
35 department shall amend its standards under section  
36 455B.173, subsection 8, to provide for the safe  
37 operation and function, or the safe cessation of  
38 the operation and function, of facilities regulated  
39 pursuant to that subsection, during the occurrence  
40 of a two-tenths percent flood as determined by the  
41 department.>  
42 13. Page 4, line 30, after <structures,>  
43 by inserting <prioritizing investments in the  
44 construction, improvement, modification, or removal of  
45 levees, safeguarding hazardous substances as defined  
46 in section 455B.381,>  
47 14. By striking page 7, line 18, through page 8,  
48 line 1.  
49 15. By renumbering as necessary.

ROBERT M. HOGG

**S-5097**

- 1 Amend Senate File 2292 as follows:  
2 1. Page 1, by striking lines 4 and 5 and inserting  
3 <Iowa as a permanent naval museum.>

JOHN P. KIBBIE

**S-5098**

- 1 Amend Senate File 2234 as follows:  
 2 1. Page 1, by striking lines 1 through 6.  
 3 2. Page 1, line 18, after <of> by inserting <the>  
 4 3. By renumbering as necessary.

SWATI A. DANDEKAR

**S-5099**

- 1 Amend Senate File 2336 as follows:  
 2 1. Page 1, line 14, after <gravel> by inserting  
 3 <for the purposes of flood control>  
 4 2. Page 1, line 17, after <thousand.> by inserting  
 5 <This subsection is repealed on June 30, 2015.>

SWATI A. DANDEKAR  
WALLY E. HORN**S-5100**

- 1 Amend Senate File 2365 as follows:  
 2 1. By striking page 1, line 1, through page 17,  
 3 line 34, and inserting:  
 4 <Section 1. Section 162.1, Code 2009, is amended to  
 5 read as follows:  
 6 162.1 ~~Policy~~ Purpose and scope.  
 7 1. The purpose of this chapter is to accomplish all  
 8 of the following:  
 9 ~~1. a. To insure~~ Insure that all dogs and  
 10 cats handled by ~~boarding kennels, commercial~~  
 11 ~~kennels, commercial breeders, dealers, and public~~  
 12 ~~auctions~~ commercial establishments are provided with  
 13 humane care and treatment ~~by regulating.~~  
 14 b. Regulate the transportation, sale,  
 15 purchase, housing, care, handling, and treatment  
 16 of ~~such animals~~ dogs and cats by persons ~~or~~  
 17 ~~organizations~~ engaged in transporting, buying, or  
 18 selling them ~~and to provide.~~  
 19 c. Provide that all vertebrate animals consigned  
 20 to pet shops are provided humane care and treatment by  
 21 regulating the transportation, sale, purchase, housing,  
 22 care, handling, and treatment of such animals by pet  
 23 shops.  
 24 ~~2. d. To authorize~~ Authorize the sale, trade, or  
 25 adoption of only those animals which appear to be free  
 26 of infectious or communicable disease.  
 27 ~~3. e. To protect~~ Protect the public from zoonotic  
 28 disease.  
 29 2. This chapter does not apply to livestock as  
 30 defined in section 717.1 or any other agricultural

31 animal used in agricultural production as provided in  
32 chapter 717A.  
33 Sec. 2. Section 162.2, Code Supplement 2009, is  
34 amended by adding the following new subsections:  
35 NEW SUBSECTION. 4A. “Animal Welfare Act” means  
36 the federal Animal Welfare Act, 7 U.S.C. ch. 54, and  
37 regulations promulgated by the United States department  
38 of agriculture and published in 9 C.F.R. ch. 1.  
39 NEW SUBSECTION. 4B. “Authorization” means a  
40 state license, certificate of registration, or permit  
41 issued or renewed by the department to a commercial  
42 establishment as provided in section 162.2A.  
43 NEW SUBSECTION. 6A. “Commercial establishment”  
44 or “establishment” means an animal shelter, boarding  
45 kennel, commercial breeder, commercial kennel, dealer,  
46 pet shop, pound, public auction, or research facility.  
47 NEW SUBSECTION. 8A. “Department” means the  
48 department of agriculture and land stewardship.  
49 NEW SUBSECTION. 9A. “Federal license” means a  
50 license issued by the United States department of

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1 agriculture to a person classified as a dealer or  
2 exhibitor pursuant to the federal Animal Welfare Act.  
3 NEW SUBSECTION. 9B. “Federal licensee” means  
4 a person to whom a federal license as a dealer or  
5 exhibitor is issued.  
6 NEW SUBSECTION. 10A. “Permittee” means a  
7 commercial breeder, dealer, or public auction to whom  
8 a permit is issued by the department as a federal  
9 licensee pursuant to section 162.2A.  
10 NEW SUBSECTION. 15A. “Registrant” means a pound,  
11 animal shelter, or research facility to whom a  
12 certificate of registration is issued by the department  
13 pursuant to section 162.2A.  
14 NEW SUBSECTION. 16A. “State fiscal year” means the  
15 fiscal year described in section 3.12.  
16 NEW SUBSECTION. 16B. “State licensee” means any of  
17 the following:  
18 a. A boarding kennel, commercial kennel, or  
19 pet shop to whom a state license is issued by the  
20 department pursuant to section 162.2A.  
21 b. A commercial breeder, dealer, or public auction  
22 to whom a state license is issued in lieu of a permit  
23 by the department pursuant to section 162.2A.  
24 Sec. 3. Section 162.2, subsections 6 and 13, Code  
25 Supplement 2009, are amended to read as follows:  
26 6. “Commercial breeder” means a person, engaged  
27 in the business of breeding dogs or cats, who sells,  
28 exchanges, or leases dogs or cats in return for  
29 consideration, or who offers to do so, whether or

30 not the animals are raised, trained, groomed, or  
 31 boarded by the person. A person who owns or harbors  
 32 three or fewer breeding males or females is not a  
 33 commercial breeder. However, a person who breeds ~~or~~  
 34 ~~harbors more than three~~ any number of breeding male or  
 35 female greyhounds for the purposes of using them for  
 36 pari-mutuel ~~racing~~ wagering at a racetrack as provided  
 37 in chapter 99D shall be considered a commercial breeder  
 38 irrespective of whether the person sells, leases, or  
 39 exchanges the greyhounds for consideration or offers  
 40 to do so.

41 13. "Pound" ~~or "dog pound"~~ means a facility for the  
 42 prevention of cruelty to animals operated by the state,  
 43 a municipal corporation, or other political subdivision  
 44 of the state for the purpose of impounding or harboring  
 45 seized stray, homeless, abandoned or unwanted dogs,  
 46 cats or other animals; or a facility operated for  
 47 such a purpose under a contract with any municipal  
 48 corporation or incorporated society.

49 Sec. 4. NEW SECTION. 162.2A Application, issuance,  
 50 and renewal of authorizations.

Page 3

1 1. The department shall provide for the operation  
 2 of a commercial establishment by issuing or renewing an  
 3 authorization, including any of the following:  
 4 a. A certificate of registration for a pound,  
 5 animal, shelter, or research facility.  
 6 b. A state license for a boarding kennel,  
 7 commercial kennel, or pet shop.  
 8 c. A state license or permit for a commercial  
 9 breeder, dealer, or public auction. A federal licensee  
 10 must apply for and be issued either a permit or a state  
 11 license in lieu of a permit.  
 12 2. A person must be issued a separate state  
 13 license, certificate of registration, or permit for  
 14 each commercial establishment owned or operated by the  
 15 person.  
 16 3. A person must apply for the issuance or  
 17 renewal of an authorization on forms and according to  
 18 procedures required by rules adopted by the department.  
 19 The application shall contain information required by  
 20 the department, including but not limited to all of the  
 21 following:  
 22 a. The person's name.  
 23 b. The person's principal office or place of  
 24 business.  
 25 c. The name, address, and type of establishment  
 26 covered by the authorization.  
 27 d. The person's identification number.  
 28 Notwithstanding chapter 22, the department shall keep

29 the person's tax identification number confidential  
30 except for purposes of tax administration by the  
31 department of revenue, including as provided in section  
32 421.18.

33 4. The authorization expires on an annual basis  
34 as provided by the department, and must be renewed by  
35 the commercial establishment on an annual basis on or  
36 before the authorization's expiration date.

37 5. a. A commercial establishment applying for  
38 the issuance or renewal of a permit shall provide the  
39 department with proof that the person is a federal  
40 licensee.

41 b. The department shall not require that it must  
42 enter onto the premises of a commercial establishment  
43 in order to issue a permit. The department shall  
44 not require that it must enter onto the premises  
45 of a commercial establishment in order to renew a  
46 permit, unless it has reasonable cause to monitor  
47 the commercial establishment as provided in section  
48 162.10C.

49 Sec. 5. NEW SECTION. 162.2B Fees.

50 The department shall establish, assess, and collect

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1 fees as provided in this section.

2 1. A commercial establishment shall pay  
3 authorization fees to the department for the issuance  
4 or renewal of a certificate of registration, state  
5 license, or permit.

6 a. For the issuance or renewal of a certificate of  
7 registration, seventy-five dollars.

8 b. For the issuance or renewal of a state license  
9 or permit, one hundred seventy-five dollars. However,  
10 a commercial breeder who owns, keeps, breeds, or  
11 transports a greyhound dog for pari-mutuel wagering  
12 at a racetrack as provided in chapter 99D shall pay a  
13 different fee for the issuance or renewal of a state  
14 license as provided in rules adopted by the department.

15 2. The department shall retain all fees that it  
16 collects under this section for the exclusive purpose  
17 of administering and enforcing the provisions of  
18 this chapter. The fees shall be considered repayment  
19 receipts as defined in section 8.2. The general  
20 assembly shall appropriate moneys to the department  
21 each state fiscal year necessary for the administration  
22 and enforcement of this chapter.

23 Sec. 6. Section 162.3, Code 2009, is amended by  
24 striking the section and inserting in lieu thereof the  
25 following:

26 162.3 Operation of a pound — certificate of  
27 registration.

28 A pound shall only operate pursuant to a certificate  
29 of registration issued or renewed by the department  
30 as provided in section 162.2A. A pound may sell dogs  
31 or cats under its control, if sales are allowed by  
32 the department. The pound shall maintain records as  
33 required by the department in order for the department  
34 to ensure the pound's compliance with the provisions  
35 of this chapter.

36 Sec. 7. Section 162.4, Code 2009, is amended by  
37 striking the section and inserting in lieu thereof the  
38 following:

39 162.4 Operation of an animal shelter — certificate  
40 of registration.

41 An animal shelter shall only operate pursuant to a  
42 certificate of registration issued or renewed by the  
43 department as provided in section 162.2A. An animal  
44 shelter may sell dogs or cats if sales are allowed  
45 by the department. The animal shelter facility shall  
46 maintain records as required by the department in order  
47 for the department to ensure the animal shelter's  
48 compliance with the provisions of this chapter.

49 Sec. 8. NEW SECTION. 162.4A Operation of a  
50 research facility — certificate of registration.

Page 5

1 A research facility shall only operate pursuant to a  
2 certificate of registration issued by the department  
3 as provided in section 162.2A. The research facility  
4 shall maintain records as required by the department  
5 in order for the department to ensure the research  
6 facility's compliance with the provisions of this  
7 chapter. A research facility shall not purchase a dog  
8 or cat from a commercial establishment that does not  
9 have a valid authorization issued or renewed under this  
10 chapter or a similar authorization issued or renewed  
11 by another state.

12 Sec. 9. Section 162.5, Code 2009, is amended by  
13 striking the section and inserting in lieu thereof the  
14 following:

15 162.5 Operation of a pet shop — state license.

16 A pet shop shall only operate pursuant to a state  
17 license issued or renewed by the department pursuant to  
18 section 162.2A. The pet shop shall maintain records as  
19 required by the department in order for the department  
20 to ensure the pet shop's compliance with the provisions  
21 of this chapter. A pet shop shall not purchase a dog  
22 or cat from a commercial establishment that does not  
23 have a valid authorization issued or renewed under this  
24 chapter or a similar authorization issued or renewed  
25 by another state.

26 Sec. 10. NEW SECTION. 162.5A Operation of a

27 boarding kennel — state license.

28 A boarding kennel shall only operate pursuant to  
29 a state license issued by the department as provided  
30 in section 162.2A. The boarding kennel shall maintain  
31 records as required by the department in order for the  
32 department to ensure the boarding kennel's compliance  
33 with the provisions of this chapter. A boarding kennel  
34 shall not purchase a dog or cat from a commercial  
35 establishment that does not have a valid authorization  
36 issued or renewed under this chapter or a similar  
37 authorization issued or renewed by another state.

38 Sec. 11. Section 162.6, Code 2009, is amended by  
39 striking the section and inserting in lieu thereof the  
40 following:

41 162.6 Operation of a commercial kennel — state  
42 license.

43 A commercial kennel shall only operate pursuant to a  
44 state license issued or renewed by the department as  
45 provided in section 162.2A. A commercial kennel shall  
46 maintain records as required by the department in order  
47 for the department to ensure the commercial kennel's  
48 compliance with the provisions of this chapter. A  
49 commercial kennel shall not purchase a dog or cat from  
50 a commercial establishment that does not have a valid

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1 authorization issued or renewed under this chapter or  
2 a similar authorization issued or renewed by another  
3 state.

4 Sec. 12. Section 162.7, Code 2009, is amended by  
5 striking the section and inserting in lieu thereof the  
6 following:

7 162.7 Operation of a dealer — state license or  
8 permit.

9 A dealer shall only operate pursuant to a state  
10 license, or a permit, issued or renewed by the  
11 department as provided in section 162.2A. A dealer who  
12 is a state licensee shall maintain records as required  
13 by the department in order for the department to ensure  
14 compliance with the provisions of this chapter. A  
15 dealer who is a permittee may, but is not required to  
16 maintain records. A dealer shall not purchase a dog  
17 or cat from a commercial establishment that does not  
18 have a valid authorization issued or renewed under this  
19 chapter or a similar authorization issued or renewed  
20 by another state.

21 Sec. 13. Section 162.8, Code 2009, is amended by  
22 striking the section and inserting in lieu thereof the  
23 following:

24 162.8 Operation of a commercial breeder — state  
25 license or permit.

26 A commercial breeder shall only operate pursuant  
 27 to a state license, or a permit, issued or renewed  
 28 by the department as provided in section 162.2A. A  
 29 commercial breeder who is a state licensee shall  
 30 maintain records as required by the department in order  
 31 for the department to ensure the commercial breeder's  
 32 compliance with the provisions of this chapter. A  
 33 commercial breeder who is a permittee may but is not  
 34 required to maintain records. A commercial breeder  
 35 shall not purchase a dog or cat from a commercial  
 36 establishment that does not have a valid authorization  
 37 issued or renewed under this chapter or a similar  
 38 authorization issued or renewed by another state.  
 39 Sec. 14. NEW SECTION. 162.9A Operation of a public  
 40 auction — state license or permit.  
 41 A public auction shall only operate pursuant to a  
 42 state license, or a permit, issued or renewed by the  
 43 department as provided in section 162.2A. A public  
 44 auction which is a state licensee shall maintain  
 45 records as required by the department in order for the  
 46 department to ensure the public auction's compliance  
 47 with the provisions of this chapter. A public auction  
 48 which is a permittee may but is not required to  
 49 maintain records. A public auction shall not purchase  
 50 a dog or cat from a commercial establishment that does

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1 not have a valid authorization issued or renewed under  
 2 this chapter or a similar authorization issued or  
 3 renewed by another state.  
 4 Sec. 15. NEW SECTION. 162.10A Commercial  
 5 establishments — standard of care.  
 6 1. a. A commercial establishment shall provide for  
 7 a standard of care that ensures that an animal in its  
 8 possession or under its control is not lacking any of  
 9 the following:  
 10 (1) Adequate feed, adequate water, housing  
 11 facilities, sanitary control, or grooming practices, if  
 12 such lack causes adverse health or suffering.  
 13 (2) Veterinary care.  
 14 b. A commercial establishment, other than a  
 15 research facility or pet shop, shall provide for the  
 16 standard of care for dogs and cats in its possession or  
 17 under its control, and a research facility or pet shop  
 18 shall provide for the standard of care for vertebrate  
 19 animals in its possession or under its control.  
 20 2. a. Except as provided in paragraph "b" or "c",  
 21 a commercial establishment shall comply with rules that  
 22 the department adopts to implement subsection 1. A  
 23 commercial establishment shall be regulated under this  
 24 paragraph "a" unless the person is a state licensee as



25 provided in paragraph “b” or a permittee as provided in  
26 paragraph “c”.

27 b. A state licensee who is a commercial breeder  
28 owning, breeding, transporting, or keeping a greyhound  
29 dog for pari-mutuel wagering at a racetrack as provided  
30 in chapter 99D may be required to comply with different  
31 rules adopted by the department.

32 c. A permittee is not required to comply with rules  
33 that the department adopts to implement a standard of  
34 care as provided in subsection 1 for state licensees  
35 and registrants. The department may adopt rules  
36 regulating a standard of care for a permittee, so long  
37 as the rules are not more restrictive than required for  
38 a permittee under the Animal Welfare Act. However, the  
39 department may adopt prescriptive rules relating to the  
40 standard of care. Regardless of whether the department  
41 adopts such rules, a permittee meets the standard  
42 of care required in subsection 1, if it voluntarily  
43 complies with rules applicable to state licensees or  
44 registrants. A finding by the United States department  
45 of agriculture that a permittee complies with the  
46 Animal Welfare Act is not conclusive when determining  
47 that the permittee provides a standard of care required  
48 in subsection 1.

49 3. A commercial establishment fails to provide for  
50 a standard of care as provided in subsection 1, if the

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1 commercial establishment commits abuse as described in  
2 section 717B.2, neglect as described in section 717B.3,  
3 or torture as provided in section 717B.3A.

4 Sec. 16. NEW SECTION. 162.10B Commercial  
5 establishments — inspecting state licensees and  
6 registrants.

7 The department may inspect the commercial  
8 establishment of a registrant or state licensee  
9 by entering onto its business premises at any time  
10 during normal working hours. The department may  
11 inspect records required to be maintained by the state  
12 licensee or registrant as provided in this chapter.  
13 If the owner or person in charge of the commercial  
14 establishment refuses admittance, the department may  
15 obtain an administrative search warrant issued under  
16 section 808.14.

17 Sec. 17. NEW SECTION. 162.10C Commercial  
18 establishments — monitoring permittees.

19 1. The department may monitor the commercial  
20 establishment of a permittee by entering onto its  
21 business premises at any time during normal working  
22 hours. The department shall monitor the commercial  
23 establishment for the limited purpose of determining

24 whether the permittee is providing for a standard of  
25 care required for permittees under section 162.10A.  
26 If the owner or person in charge of the commercial  
27 establishment refuses admittance, the department may  
28 obtain an administrative search warrant issued under  
29 section 808.14.

30 2. In order to enter onto the business premises  
31 of a permittee's commercial establishment, the  
32 department must have reasonable cause to suspect that  
33 the permittee is not providing for the standard of  
34 care required for permittees under section 162.10A.

35 Reasonable cause must be supported by any of the  
36 following:

37 a. An oral or written complaint received by the  
38 department by a person. The complainant must provide  
39 the complainant's name and address and telephone  
40 number. Notwithstanding chapter 22, the department's  
41 record of a complaint is confidential, unless any of  
42 the following apply:

43 (1) The results of the monitoring are used in a  
44 contested case proceeding as provided in chapter 17A or  
45 in a judicial proceeding.

46 (2) The record is sought in discovery in any  
47 administrative, civil, or criminal case.

48 (3) The department's record of a complaint is filed  
49 by a person other than an individual.

50 b. A report prepared by a person employed by the

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1 United States department of agriculture that requires a  
2 permittee to take action necessary to correct a breach  
3 of standard of care required of federal licensees by  
4 the Animal Welfare Act or of permittees by section  
5 162.10A. The department is not required to dedicate  
6 any number of hours to viewing or analyzing such  
7 reports.

8 3. When carrying out this section, the department  
9 may cooperate with the United States department of  
10 agriculture. The department shall report any findings  
11 resulting in an enforcement action under section  
12 162.10D to the United States department of agriculture.

13 Sec. 18. NEW SECTION. 162.10D Commercial  
14 establishments — disciplinary actions.

15 1. The department may take disciplinary action  
16 against a person by suspending or revoking the person's  
17 authorization for violating a provision of this chapter  
18 or chapter 717B, or who commits an unlawful practice  
19 under section 714.16.

20 2. The department may require that an owner,  
21 operator, or employee of a commercial establishment  
22 subject to disciplinary action under subsection 1 to

23 complete a continuing education program as a condition  
24 for retaining an authorization. This section does not  
25 prevent a person from voluntarily participating in a  
26 continuing education program.

27 3. The department shall administer the continuing  
28 education program by either providing direct  
29 instruction or selecting persons to provide such  
30 instruction. The department is not required to  
31 compensate persons for providing the instruction, and  
32 may require attendees to pay reasonable fees necessary  
33 to compensate the department providing the instruction  
34 or a person selected by the department to provide the  
35 instruction. The department shall, to every extent  
36 possible, select persons to provide the instruction by  
37 consulting with organizations that represent commercial  
38 establishments, including but not limited to the Iowa  
39 pet breeders association.

40 4. The department shall establish the criteria for  
41 a continuing education program which shall include  
42 at least three and not more than eight hours of  
43 instruction. The department shall provide for the  
44 program's beginning and ending dates. However, a  
45 person must complete the program in twelve months or  
46 less.

47 Sec. 19. Section 162.11, subsections 1 and 3, Code  
48 2009, are amended by striking the subsections.

49 Sec. 20. Section 162.11, subsection 2, Code 2009,  
50 is amended by striking the subsection and inserting in

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1 lieu thereof the following:

2 2. This chapter does not apply to a federal

3 licensee except as provided in the following:

4 a. Section 162.1, subsection 2, and sections 162.2,  
5 162.2A, 162.2B, 162.7, 162.8, 162.9A, 162.10A, 162.10C,  
6 162.10D, 162.12A, and 162.13.

7 b. Section 162.1, subsection 1, but only to the  
8 extent required to implement sections described in  
9 paragraph "a".

10 c. Section 162.16 but only to the extent required  
11 to implement sections described in paragraph "a".

12 Sec. 21. Section 162.12, Code 2009, is amended to  
13 read as follows:

14 162.12 Denial or revocation of license or  
15 registration.

16 A certificate of registration may be denied to any  
17 animal shelter, pound, or animal shelter research  
18 facility and a state license or certificate of

19 registration may be denied to any public auction,  
20 boarding kennel, commercial kennel, research  
21 facility, pet shop, commercial breeder, or dealer,

22 or an existing certificate of registration or  
23 state license may be revoked by the secretary if, after  
24 public hearing, it is determined that the housing  
25 facilities or primary enclosures are inadequate under  
26 this chapter or if the feeding, watering, cleaning,  
27 and housing practices at the pound, animal shelter,  
28 public auction, pet shop, boarding kennel, commercial  
29 kennel, research facility, or those practices by the  
30 commercial breeder or dealer, are not in compliance  
31 with this chapter or with the rules adopted pursuant  
32 to this chapter. The premises of each registrant or  
33 state licensee ~~or certificate holder~~ shall be open for  
34 inspection during normal business hours.

35 Sec. 22. NEW SECTION. 162.12A Civil penalties.  
36 The department shall establish, impose, and assess  
37 civil penalties for violations of this chapter. The  
38 department may by rule establish a schedule of civil  
39 penalties for violations of this chapter. All civil  
40 penalties collected under this section shall be  
41 deposited into the general fund of the state.

42 1. a. A commercial establishment that operates  
43 pursuant to an authorization issued or renewed under  
44 this chapter is subject to a civil penalty of not more  
45 than five hundred dollars, regardless of the number  
46 of animals possessed or controlled by the commercial  
47 establishment, for violating this chapter. Except as  
48 provided in paragraph "b", each day that a violation  
49 continues shall be deemed a separate offense.

50 b. This paragraph applies to a commercial

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1 establishment that violates a standard of care  
2 involving housing as provided in section 162.10A. The  
3 departmental official who makes a determination that a  
4 violation exists shall provide a corrective plan to the  
5 commercial establishment describing how the violation  
6 will be corrected within a compliance period of not  
7 more than fifteen days from the date of approval by the  
8 official of the corrective plan. The civil penalty  
9 shall not exceed five hundred dollars for the first  
10 day of the violation. After that day, the department  
11 shall not impose a civil penalty for the violation  
12 during the compliance period. The department shall  
13 not impose an additional civil penalty, unless the  
14 commercial establishment fails to correct the violation  
15 by the end of the compliance period. If the commercial  
16 establishment fails to correct the violation by the end  
17 of the compliance period, each day that the violation  
18 continues shall be deemed a separate offense.

19 2. A commercial establishment that does not operate  
20 pursuant to an authorization issued or renewed under

21 this chapter is subject to a civil penalty of not more  
 22 than one thousand dollars, regardless of the number  
 23 of animals possessed or controlled by the commercial  
 24 establishment, for violating this chapter. Each day  
 25 that a violation continues shall be deemed a separate  
 26 offense.

27 Sec. 23. Section 162.13, Code 2009, is amended to  
 28 read as follows:

29 162.13 Penalties Criminal penalties — confiscation.

30 1. Operation of a pound, animal shelter, pet shop,  
 31 boarding kennel, commercial kennel, research facility,  
 32 or public auction, or dealing in dogs or cats, or  
 33 both, either as a dealer or a commercial breeder,  
 34 without a currently valid license or a certificate of  
 35 registration is A person who operates a commercial  
 36 establishment without an authorization issued or  
 37 renewed by the department as required in section 162.2A  
 38 is guilty of a simple misdemeanor and each day of  
 39 operation is a separate offense.

40 2. The failure of any pound, research facility,  
 41 animal shelter, pet shop, boarding kennel, commercial  
 42 kennel, commercial breeder, public auction, or dealer,  
 43 to adequately house, feed, or water dogs, cats, or  
 44 vertebrate animals in the person's or facility's  
 45 possession or custody a person who owns or operates a  
 46 commercial establishment to meet the standard of care  
 47 required in section 162.10A, subsection 1, is a simple  
 48 misdemeanor. The animals are subject to seizure and  
 49 impoundment and may be sold or destroyed as provided by  
 50 rules which shall be adopted by the department pursuant

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1 to chapter 17A. The rules shall provide for the  
 2 destruction of an animal by a humane method, including  
 3 by euthanasia.

4 3. The failure of a person who owns or operates  
 5 a commercial establishment to meet the requirements  
 6 of this section is also cause for the suspension  
 7 or revocation or suspension of license or registration  
 8 after public hearing of the person's authorization as  
 9 provided in section 162.10D. The commission of an  
 10 act declared to be an unlawful practice under section  
 11 714.16 or prohibited under chapter 717 or 717B, by a  
 12 person licensed or registered under this chapter is  
 13 cause for revocation or suspension of the license or  
 14 registration certificate.

15 4. Dogs, cats, and other ~~vertebrates~~ vertebrate  
 16 animals upon which euthanasia is permitted by law may  
 17 be destroyed by a person subject to this chapter or  
 18 chapter 169, by a humane method, including euthanasia,  
 19 as provided by rules which shall be adopted by the

20 department pursuant to chapter 17A.

21 5. It is unlawful for a dealer to knowingly  
 22 ship a diseased animal. A dealer violating this  
 23 ~~paragraph subsection~~ is subject to a fine not exceeding  
 24 one hundred dollars. Each diseased animal shipped in  
 25 violation of this ~~paragraph subsection~~ is a separate  
 26 offense.

27 Sec. 24. Section 162.16, Code 2009, is amended by  
 28 striking the section and inserting in lieu thereof the  
 29 following:

30 162.16 Rules.

31 The department shall adopt rules and promulgate  
 32 forms necessary to administer and enforce the  
 33 provisions of this chapter.

34 Sec. 25. Section 717B.1, Code 2009, is amended by  
 35 adding the following new subsection:

36 NEW SUBSECTION. 3A. "Department" means the  
 37 department of agriculture and land stewardship.

38 Sec. 26. REPEAL. Sections 162.9, 162.10, and  
 39 162.18, Code 2009, are repealed.

40 Sec. 27. CURRENT DEPARTMENTAL RULES. This Act  
 41 does not diminish the authority of the department of  
 42 agriculture and land stewardship to regulate different  
 43 types of commercial establishments as provided in 21  
 44 IAC ch. 67.

45 Sec. 28. ISSUANCE OF PERMITS. This Act does not  
 46 require a commercial establishment that has been issued  
 47 or renewed a certificate of registration to be issued  
 48 a permit earlier than required in section 162.2A for  
 49 the renewal of a permit. The person shall hold the  
 50 certificate of registration in the same manner as a

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1 permit pursuant to this Act.

2 Sec. 29. EFFECTIVE UPON ENACTMENT. This Act, being  
 3 deemed of immediate importance, takes effect upon  
 4 enactment.>

5 2. Title page, by striking lines 1 through 5 and  
 6 inserting <An Act providing for the treatment of  
 7 animals other than agricultural animals, by providing  
 8 for regulation of commercial establishments, providing  
 9 for fees, providing penalties, and including effective  
 10 date provisions.>

MATT McCOY

## S-5101

1 Amend Senate File 2235 as follows:

2 1. By striking everything after the enacting clause  
 3 and inserting:

4 <Section 1. NEW SECTION. 216A.105 Deliverable  
5 fuels — mandatory delivery — penalties and remedies.  
6 1. A deliverable fuel vendor engaged in the  
7 business of providing deliverable fuel to customers in  
8 this state shall not withhold the sale or delivery of  
9 deliverable fuel to a customer from November 1 through  
10 April 1 annually if either of the following apply:  
11 a. The customer documents that they are able to  
12 make a cash payment in an amount corresponding to  
13 the current statewide average delivery order price  
14 per gallon for the deliverable fuel, as determined by  
15 the office of energy independence, multiplied by two  
16 hundred fifty.  
17 b. The customer is certified as eligible for the  
18 federal low-income home energy assistance program.  
19 2. A deliverable fuel vendor is not prohibited from  
20 withholding the sale or delivery of deliverable fuel  
21 to a customer who is certified as eligible for the  
22 federal low-income home energy assistance program and  
23 has received the maximum amount of annual assistance  
24 pursuant to the program, and who cannot otherwise  
25 document the ability to make a cash payment for  
26 deliverable fuel pursuant to subsection 1, paragraph  
27 “a”.  
28 3. A deliverable fuel vendor providing deliverable  
29 fuel to a customer described in subsection 1, paragraph  
30 “a”, may apply the customer’s cash payment as follows:  
31 a. Seventy-five percent toward the current  
32 deliverable fuel sale or delivery.  
33 b. Twenty-five percent toward any unpaid balance.  
34 4. a. A customer shall be responsible for the  
35 reasonable cost of system safety checks conducted  
36 by a deliverable fuel vendor, unless the customer  
37 is certified as eligible for the federal low-income  
38 home energy assistance program and the cost is paid  
39 for with program funds. System safety check payments  
40 shall be in addition to, and shall not reduce, the  
41 cash payment otherwise available for deliverable fuel  
42 sale or delivery pursuant to subsection 1, paragraph  
43 “a”. A deliverable fuel vendor of propane conducting a  
44 system safety check shall inform customers certified  
45 as eligible for the low-income home energy assistance  
46 program of the existence of programs and projects  
47 developed by the Iowa propane education and research  
48 council to provide assistance to persons certified as  
49 eligible for the program, if applicable based upon the  
50 results of the safety check. A deliverable fuel vendor

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1 shall not be required to make or complete a delivery  
2 of deliverable fuel if a system safety check reveals

3 mechanical problems or defects with the system which  
 4 constitute a safety hazard or concern.  
 5 b. A customer shall be responsible for the  
 6 reasonable cost of delivering the deliverable fuel to  
 7 the customer, as determined by the deliverable fuel  
 8 vendor, unless the customer is certified as eligible  
 9 for the federal low-income home energy assistance  
 10 program and the cost is paid for with program funds.  
 11 Delivery fees or charges shall be in addition to, and  
 12 shall not reduce, the cash payment otherwise available  
 13 for deliverable fuel sale or delivery pursuant to  
 14 subsection 1, paragraph "a".  
 15 5. The division shall adopt rules specifying  
 16 procedures to implement the requirements of this  
 17 section.  
 18 6. A violation of this section is an unlawful  
 19 practice pursuant to section 714.16 and a prohibited  
 20 practice pursuant to chapter 714H.  
 21 7. For the purposes of this section, unless the  
 22 context otherwise requires:  
 23 a. "Customer" means an existing customer of a  
 24 deliverable fuel vendor or a prospective customer  
 25 who submits an application or otherwise applies for  
 26 the purchase or delivery of deliverable fuel from a  
 27 deliverable fuel vendor serving the general geographic  
 28 area or vicinity where the fuel will be delivered.  
 29 b. "Deliverable fuel" means propane or any other  
 30 heating fuel sold or delivered in this state for home  
 31 heating purposes.  
 32 c. "Deliverable fuel vendor" means a retail propane  
 33 marketer or a retail dispenser or marketer of a  
 34 deliverable fuel other than propane.  
 35 d. "Propane" and "retail propane marketer" mean the  
 36 same as defined in section 101C.2.>  
 37 2. Title page, line 2, after <circumstances,> by  
 38 inserting <providing penalties,>  
 39 3. By renumbering as necessary.

STEVEN J. SODDERS

## S-5102

1 Amend Senate Joint Resolution 2007 as follows:  
 2 1. Page 1, by striking lines 2 and 3 and inserting  
 3 <supports the assignment of the USS Iowa as a permanent  
 4 naval museum to an appropriate location in California.>

JOHN P. KIBBIE



**S-5103**

1 Amend Senate File 2200 as follows:  
 2 1. Page 2, by striking lines 5 through 7 and  
 3 inserting:  
 4 <Sec. \_\_\_\_ Section 633.675, Code 2009, is amended  
 5 by adding the following new subsection:  
 6 NEW SUBSECTION. 5. Notwithstanding subsections 1  
 7 through 4, if the court appointed a >  
 8 2. Page 2, before line 16 by inserting:  
 9 <Sec. \_\_\_\_ Section 633.679, Code 2009, is amended  
 10 to read as follows:  
 11 633.679 Petition to terminate — cases transferred  
 12 from juvenile court — request for voting rights  
 13 reinstatement.  
 14 1. At Except as otherwise provided in subsection  
 15 2, at any time after the appointment of a guardian  
 16 or conservator, the person under guardianship or  
 17 conservatorship may apply to the court by petition,  
 18 alleging that the person is no longer a proper  
 19 subject thereof, and asking that the guardianship or  
 20 conservatorship be terminated.  
 21 2. If the court has appointed a guardian for a  
 22 minor child for whom the court's jurisdiction over  
 23 the child's guardianship was established pursuant to  
 24 transfer of the child's case in accordance with section  
 25 232.104, a petition shall not be filed asking that the  
 26 guardianship be terminated or modified until at least  
 27 six months has elapsed from the date the order was  
 28 entered appointing the guardian.  
 29 3. A person under an order appointing a guardian  
 30 which order found the person incompetent to vote  
 31 may include a request for reinstatement of the  
 32 person's voting rights in a petition to terminate the  
 33 guardianship or by filing a separate petition for  
 34 modification of this determination.>  
 35 3. By renumbering as necessary.

KEITH A. KREIMAN

**S-5104**

1 Amend Senate File 2246 as follows:  
 2 1. Page 1, after line 17 by inserting:  
 3 <Sec. \_\_\_\_ Section 321.109, subsection 1, paragraph  
 4 b, Code 2009, is amended to read as follows:  
 5 b. The annual registration fee shall be sixty  
 6 dollars for a vehicle, ~~otherwise subject to paragraph~~  
 7 ~~"a"~~, with permanently installed equipment manufactured  
 8 for and necessary to assist a person with a disability  
 9 who is either the owner or lessee of the vehicle or a  
 10 member of the owner's or lessee's household in entry

11 and exit of the vehicle or ~~for such a vehicle~~ if the  
 12 ~~vehicle's~~ owner or lessee of the vehicle or a member  
 13 of the ~~vehicle~~ owner's or lessee's household uses a  
 14 wheelchair as the only means of mobility ~~shall be sixty~~  
 15 ~~dollars. This paragraph applies only to vehicles~~  
 16 that are otherwise subject to paragraph "a" and to  
 17 motor trucks with an unladen weight of ten thousand  
 18 pounds or less that are otherwise subject to section  
 19 321.122. For purposes of this paragraph, "uses a  
 20 wheelchair" does not include use of a wheelchair due to  
 21 a temporary injury or medical condition.

22 Sec. \_\_\_\_ Section 321H.3, subsection 4, Code  
 23 Supplement 2009, is amended to read as follows:  
 24 4. Storing more than six vehicles not currently  
 25 registered or storing damaged vehicles except where  
 26 such storing of damaged vehicles is incidental to the  
 27 primary purpose of the repair of ~~motor~~ vehicles for  
 28 others.

29 Sec. \_\_\_\_ Section 321H.6, subsection 3, Code  
 30 Supplement 2009, is amended to read as follows:

31 3. The licensee has been convicted of a  
 32 fraudulent practice or any ~~other~~ indictable offense  
 33 in connection with selling or other activity relating  
 34 to ~~motor~~ vehicles, in this state or any other state,  
 35 or has been convicted of three or more violations of  
 36 section 321.92, subsection 2, or section 321.99.

37 Sec. \_\_\_\_ Section 321H.6, Code Supplement 2009, is  
 38 amended by adding the following new subsection:  
 39 NEW SUBSECTION. 6. The licensee has been  
 40 determined in a final judgment of a court of competent  
 41 jurisdiction to have violated section 714.16 in  
 42 connection with selling or other activity relating to  
 43 vehicles.

44 Sec. \_\_\_\_ Section 321H.8, subsection 2, Code  
 45 Supplement 2009, is amended to read as follows:

46 2. A person who has been convicted of a fraudulent  
 47 practice ~~or~~ has been convicted of three or more  
 48 violations of section 321.92, subsection 2, or section  
 49 321.99, or has been convicted of any other indictable  
 50 offense in connection with selling or other activity

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- 1 relating to ~~motor~~ vehicles, in this state or any
- 2 other state, shall not for a period of five years
- 3 from the date of conviction be an owner, salesperson,
- 4 employee, officer of a corporation, or representative
- 5 of ~~a licensed motor~~ an authorized vehicle recycler
- 6 or represent themselves as an owner, salesperson,
- 7 employee, officer of a corporation, or representative
- 8 of ~~a licensed motor~~ an authorized vehicle recycler.>
- 9 2. Page 2, after line 12 by inserting:

10 <Sec. \_\_\_\_ Section 322.3, subsection 12, Code  
11 Supplement 2009, is amended to read as follows:  
12 12. A person who has been convicted of a fraudulent  
13 practice ~~or has been convicted of three or more~~  
14 violations of section 321.92, subsection 2, or section  
15 321.99, or has been convicted of any other indictable  
16 offense in connection with selling or other activity  
17 relating to motor vehicles, in this state or any other  
18 state, shall not for a period of five years from the  
19 date of conviction be an owner, salesperson, employee,  
20 officer of a corporation, or representative of a  
21 licensed motor vehicle dealer or represent themselves  
22 as an owner, salesperson, employee, officer of a  
23 corporation, or representative of a licensed motor  
24 vehicle dealer.

25 Sec. \_\_\_\_ Section 322.6, subsection 1, paragraph d,  
26 Code Supplement 2009, is amended to read as follows:  
27 d. The applicant has been convicted of a fraudulent  
28 practice or any indictable offense in connection  
29 with selling or other activity relating to motor  
30 vehicles, in this state or any other state, or has  
31 been convicted of three or more violations of section  
32 321.92, subsection 2, or section 321.99.

33 Sec. \_\_\_\_ Section 322.6, subsection 1, paragraph  
34 i, Code Supplement 2009, is amended by striking the  
35 paragraph and inserting in lieu thereof the following:  
36 i. The applicant has been determined in a final  
37 judgment of a court of competent jurisdiction to have  
38 violated section 714.16 in connection with selling  
39 or other activity relating to motor vehicles and the  
40 department determines that the applicant should not  
41 therefore be engaged in the business of selling motor  
42 vehicles.

43 Sec. \_\_\_\_ Section 325A.2, subsection 2, Code 2009,  
44 is amended to read as follows:  
45 2. A local authority, as defined in section 321.1,  
46 shall not impose any regulations, including special  
47 registration or inspection requirements, upon the  
48 operation of motor carriers that are more restrictive  
49 than any of the provisions of this chapter, or section  
50 321.449 or 321.450. This subsection does not, however,

Page 3

1 prohibit a local authority from exercising the home  
2 rule power of the local authority to impose additional  
3 or more restrictive regulations or requirements upon  
4 the operation of taxicabs or limousines engaged in  
5 nonfixed route transportation for hire.>

6 3. Title page, line 2, by striking <clarification>,  
7 and inserting <modification>

8 4. Title page, line 3, by striking <truck and>

9 and inserting <truck, provisions concerning licensing  
 10 sanctions and penalties for vehicle recyclers and motor  
 11 vehicle dealers, annual registration fees for certain  
 12 vehicles equipped for a person with a disability or  
 13 used by a person who relies on a wheelchair,>  
 14 5. Title page, line 5, by striking <permits.> and  
 15 inserting <permits, and provisions for the operation of  
 16 certain taxicabs and limousines.>  
 17 6. By renumbering as necessary.

TOM RIELLY

### S-5105

1 Amend Senate File 2343 as follows:  
 2 1. Page 1, line 4, after <for> by inserting <up to  
 3 one hundred eighty days for>  
 4 2. Page 1, line 11, after <for> by inserting <up to  
 5 one hundred eighty days for>  
 6 3. Page 1, line 19, after <for> by inserting <up to  
 7 one hundred eighty days for>

KEITH A. KREIMAN

### S-5106

1 Amend Senate File 2321 as follows:  
 2 1. By striking everything after the enacting clause  
 3 and inserting:  
 4 <Section 1. NEW SECTION. 321.371A Common sense  
 5 required.  
 6 A person shall use common sense at all times when  
 7 the person is operating a motor vehicle.>  
 8 2. Title page, by striking lines 1 through 3 and  
 9 inserting <An Act requiring the use of common sense by  
 10 the operator of a motor vehicle.>  
 11 3. By renumbering as necessary.

BRAD ZAUN  
 SHAWN HAMERLINCK  
 JAMES F. HAHN  
 RANDY FEENSTRA  
 JAMES A. SEYMOUR  
 JERRY BEHN  
 PAUL McKINLEY

### S-5107

1 Amend Senate File 2295 as follows:  
 2 1. Page 1, line 4, after <affairs> by inserting  
 3 <and the department of workforce development>  
 4 2. Page 1, by striking lines 9 through 12 and

5 inserting <veterans affairs, the department of  
6 education, the department of workforce development, the  
7 United States department of veterans affairs, and the  
8 United States department of labor, the following:  
9 (a) Programs to inform disabled veterans returning  
10 to the state after active federal service about  
11 federally funded job training opportunities in state  
12 government, pursuant to 38 U.S.C. ch. 31.  
13 (b) State government job training programs for  
14 disabled veterans that qualify for federal funding from  
15 the United States department of veterans affairs.  
16 (c) A noncompetitive hiring program for disabled  
17 veterans who satisfactorily complete a federally  
18 funded job training program approved by the United  
19 States department of veterans affairs. The disabled  
20 veteran shall have trained in the class of positions  
21 for which the disabled veteran is to be noncompetively  
22 appointed.>  
23 3. By renumbering as necessary.

DARYL BEALL

### S-5108

1 Amend Senate File 2192 as follows:  
2 1. Page 2, by striking lines 17 through 19 and  
3 inserting <or otherwise. Any lien purporting to secure  
4 the payment of a transfer fee under a transfer fee  
5 covenant is void and unenforceable.  
6 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT AND  
7 APPLICABILITY. This Act, being deemed of immediate  
8 importance, takes effect upon enactment and applies to  
9 any lien purporting to secure the payment of a transfer  
10 fee under a transfer fee covenant which is filed in  
11 this state on or after the effective date of this Act.>  
12 2. Title page, line 2, after <property> by  
13 inserting <and including effective date and  
14 applicability provisions>  
15 3. By renumbering as necessary.

ROGER STEWART  
KIM REYNOLDS  
JOHN P. KIBBIE

### S-5109

1 Amend Senate File 2289 as follows:  
2 1. Page 3, after line 17 by inserting:  
3 <Sec. \_\_\_\_ DEPARTMENT OF EDUCATION — AUTHORIZING  
4 FUND TRANSFERS — VALIDATION AND RETROACTIVE  
5 APPLICABILITY.  
6 1. a. Notwithstanding any other statute or rule

7 of law to the contrary, if a school district whose  
 8 accreditation was removed by action of the state board  
 9 of education effective July 1, 2008, had a negative  
 10 fund balance in its general fund at the end of the  
 11 school budget year beginning July 1, 2007, the director  
 12 of the department of education is authorized to and  
 13 shall approve by August 1, 2010, the transfer of any  
 14 positive balance from one or more funds of the school  
 15 district to the school district's general fund for the  
 16 school budget year beginning July 1, 2007, and the  
 17 transfer made is hereby validated and to that extent,  
 18 this Act applies retroactively to July 1, 2007.

19 b. On the date on which the director of the  
 20 department of education approves the transfer of funds  
 21 pursuant to this subsection, the department shall  
 22 provide notice of the approval of the funds transferred  
 23 pursuant to this subsection to the boards of directors  
 24 of the school districts to which the former school  
 25 district's territory was merged and shall transmit to  
 26 the state board of education a record of the approval  
 27 of the funds transferred pursuant to this subsection.

28 2. The board of directors of a school district to  
 29 which the former school district's territory was merged  
 30 shall be exempted from any liability resulting from  
 31 the action taken by the director of the department of  
 32 education pursuant to subsection 1 if the school board,  
 33 within 30 days of the date on which the director of  
 34 the department of education took action pursuant to  
 35 subsection 1, adopts a resolution to accept the action  
 36 taken by the director pursuant to subsection 1.

37 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT. The section of  
 38 this Act providing for authorization and validation of  
 39 fund transfers by the department of education, being  
 40 deemed of immediate importance, takes effect upon  
 41 enactment.>

42 2. Title page, line 2, after <education> by  
 43 inserting <and to the disposition of certain former  
 44 school district funds, and including effective date,  
 45 validation, and retroactive applicability provisions>

46 3. By renumbering as necessary.

BRIAN SCHOENJAHN

## S-5110

1 Amend Senate File 2335 as follows:

- 2 1. By striking page 1, line 24, through page 2,
- 3 line 12, and inserting:
- 4 <3. Use of environmentally preferable cleaning
- 5 products. All state agencies utilizing state
- 6 buildings, are encouraged to voluntarily conform to an
- 7 environmentally preferable cleaning policy designed

8 to facilitate the purchase and use of environmentally  
9 preferable cleaning products for purposes of state  
10 building cleaning and maintenance. The policy shall  
11 apply to state agencies on a mandatory basis beginning  
12 July 1, 2012, subject to the exemption provisions  
13 contained in this subsection. State agencies procuring  
14 supplies for state buildings may deplete their existing  
15 cleaning and maintenance supply stocks and implement  
16 the new requirements in the procurement cycle for the  
17 following year. On or after July 1, 2012, a state  
18 agency is exempt from the requirements of this section  
19 if the state agency submits written documentation to  
20 the department on an annual basis that adoption of the  
21 policy would result in a significant increase in annual  
22 cleaning and maintenance product and supply costs.

23 4. Policy guidelines and specifications.

24 a. The department shall establish by rule and  
25 update on a semiannual basis thereafter guidelines  
26 and specifications for the use of environmentally  
27 preferable cleaning and maintenance products in state  
28 buildings.>

29 2. Page 3, by striking lines 8 through 11 and  
30 inserting <criteria. The completed guidelines and  
31 specifications shall be posted and updated on the  
32 department's internet site.>

33 3. Page 3, by striking lines 12 and 22.

34 4. Title page, by striking lines 2 through 3 and  
35 inserting <cleaning and maintenance products in state  
36 buildings.>

DAVID JOHNSON

## S-5111

1 Amend Senate File 2243 as follows:

2 1. Page 3, after line 1 by inserting:

3 <Sec. \_\_\_\_ DEER LICENSE STUDY.

4 1. The legislative services agency shall prepare a  
5 study to determine the economic impact of increasing  
6 the number of antlered and antlerless licenses  
7 available for sale to nonresidents who own Iowa  
8 farmland.

9 2. To the extent practicable the study shall  
10 estimate the potential revenue to the state by  
11 increasing the number of licenses and shall estimate  
12 the impact on the deer population.

13 3. The legislative services agency shall submit  
14 the results of the study to the legislative council by  
15 January 1, 2011.>

16 2. By renumbering as necessary.

DENNIS H. BLACK  
DAVID JOHNSON

**S-5112**

- 1 Amend Senate File 2288 as follows:  
2 1. Page 1, before line 1 by inserting:  
3 <DIVISION I  
4 GENERAL PROVISIONS>  
5 2. Page 21, after line 7 by inserting:  
6 <DIVISION \_\_\_\_  
7 SUSPENSION OF CERTAIN SCHOOL  
8 DISTRICT FINANCIAL MANDATES  
9 AND RESTRICTIONS  
10 Sec. \_\_\_\_ FUNDING FOR TEACHER LIBRARIANS, GUIDANCE  
11 COUNSELORS, AND SCHOOL NURSES. Notwithstanding any  
12 provision of a collective bargaining agreement entered  
13 into pursuant to chapter 20, and any provision of  
14 section 256.11, subsections 9, 9A, and 9B, to the  
15 contrary, school districts are not required to have a  
16 teacher librarian, guidance counselor, or school nurse  
17 for any school budget year commencing during the fiscal  
18 period beginning July 1, 2009, and ending June 30,  
19 2012. Any funds not expended due to this section may  
20 be expended for school district general fund purposes.  
21 Sec. \_\_\_\_ FUNDING FOR EXPANDED PHYSICAL  
22 EDUCATION PROGRAMS AND CARDIOPULMONARY RESUSCITATION  
23 CERTIFICATION COURSES. Notwithstanding any provision  
24 of section 256.11, subsection 6, to the contrary,  
25 school districts may suspend expanded physical  
26 education programs and cardiopulmonary resuscitation  
27 certification courses for any school budget year  
28 commencing during the fiscal period beginning July 1,  
29 2009, and ending June 30, 2012.  
30 Sec. \_\_\_\_ FUNDING FOR THE STATEWIDE PRESCHOOL  
31 PROGRAM. Notwithstanding any provision of chapter  
32 256C to the contrary, preschool foundation aid  
33 payments under chapter 256C shall be distributed to all  
34 school districts based on a school district's budget  
35 enrollment compared to the statewide total budget  
36 enrollment for the school budget year beginning July  
37 1, 2009, for any school budget year commencing during  
38 the fiscal period beginning July 1, 2009, and ending  
39 June 30, 2012, to be used for chapter 256C purposes, if  
40 applicable, or school district general fund purposes.  
41 Sec. \_\_\_\_ FUNDING FOR TEACHER SALARY SUPPLEMENT.  
42 Notwithstanding any provision of a collective  
43 bargaining agreement entered into pursuant to chapter  
44 20 and any provision of section 257.10, subsection 9,  
45 to the contrary, school districts may expend teacher  
46 salary supplement funding for school district general  
47 fund purposes for any school budget year commencing  
48 during the fiscal period beginning July 1, 2009, and  
49 ending June 30, 2012.  
50 Sec. \_\_\_\_ FUNDING FOR THE PROFESSIONAL DEVELOPMENT



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1 SUPPLEMENT. Notwithstanding any provision of a  
 2 collective bargaining agreement entered into pursuant  
 3 to chapter 20 and any provision of section 257.10,  
 4 subsection 10, to the contrary, school districts may  
 5 expend professional development supplement funding  
 6 for school district general fund purposes for any  
 7 school budget year commencing during the fiscal period  
 8 beginning July 1, 2009, and ending June 30, 2012.  
 9 Sec. \_\_\_\_ FUNDING FOR THE EARLY INTERVENTION  
 10 SUPPLEMENT. Notwithstanding any provision of a  
 11 collective bargaining agreement entered into pursuant  
 12 to chapter 20 and any provision of section 257.10,  
 13 subsection 11, to the contrary, school districts may  
 14 expend early intervention supplement funding for school  
 15 district general fund purposes for any school budget  
 16 year commencing during the fiscal period beginning July  
 17 1, 2009, and ending June 30, 2012.  
 18 Sec. \_\_\_\_ FUNDING FOR INSTRUCTIONAL  
 19 SUPPORT. Notwithstanding any provision of section  
 20 257.19, to the contrary, school districts may  
 21 additionally expend instructional support funds for  
 22 funding purposes under sections 257.41 and 257.46 for  
 23 any school budget year commencing during the fiscal  
 24 period beginning July 1, 2009, and ending June 30,  
 25 2012.  
 26 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT AND  
 27 APPLICABILITY. This division of this Act, being deemed  
 28 of immediate importance, takes effect upon enactment  
 29 and applies to the expenditure of funds by school  
 30 districts on and after that date.>  
 31 3. Title page, line 2, after <boards> by inserting  
 32 <, suspending certain financial mandates and  
 33 restrictions for school districts for certain budget  
 34 years, and including effective date and applicability  
 35 provisions>

PAUL McKINLEY

## S-5113

1 Amend Senate File 2288 as follows:  
 2 1. Page 5, after line 27 by inserting:  
 3 <Sec. \_\_\_\_ Section 257.6, subsection 1, paragraph  
 4 a, subparagraph (5), Code Supplement 2009, is amended  
 5 to read as follows:  
 6 (5) Resident pupils receiving competent private  
 7 instruction from a licensed practitioner provided  
 8 through a public school district pursuant to chapter  
 9 299A shall be counted as three-tenths of one pupil.  
 10 Revenues received by a school district attributed to a

11 school district's weighted enrollment pursuant to this  
 12 paragraph shall be expended for the purpose for which  
 13 the weighting was assigned under this paragraph. If  
 14 the school district determines that the expenditures  
 15 associated with providing competent private instruction  
 16 pursuant to chapter 299A are in excess of the  
 17 revenue attributed to the school district's weighted  
 18 enrollment for such instruction in accordance with this  
 19 subparagraph, the school district may submit a request  
 20 to the school budget review committee for modified  
 21 allowable growth in accordance with section 257.31,  
 22 subsection 5, paragraph "n". ~~A home school assistance~~  
 23 ~~program shall not provide moneys~~ Moneys received  
 24 pursuant to this subparagraph, ~~nor resources paid for~~  
 25 ~~with moneys received pursuant to this subparagraph, to~~  
 26 ~~parents or students utilizing the program shall be used~~  
 27 as provided in section 299A.12.>

28 2. Page 17, after line 35 by inserting:  
 29 <Sec. \_\_\_\_ NEW SECTION. 299A.12 Home school  
 30 assistance program.

31 1. The board of directors of a school district  
 32 may expend moneys received pursuant to section 257.6,  
 33 subsection 1, paragraph "a", subparagraph (5), for  
 34 purposes of providing a home school assistance program  
 35 to provide instruction outside the basic educational  
 36 program provided to regularly enrolled students by the  
 37 school district.

38 2. Purposes for which a school district may expend  
 39 funds received pursuant to section 257.6, subsection 1,  
 40 paragraph "a", subparagraph (5), shall include but not  
 41 be limited to the following:

- 42 a. Instruction and assisting parents with
- 43 instruction.
- 44 b. Student and teaching-parent support services and
- 45 staff support services.
- 46 c. Salary and benefits for the supervising teacher
- 47 of the home school assistance program students. If the
- 48 teacher is a part-time home school assistance program
- 49 teacher and a part-time regular classroom teacher,
- 50 funds received pursuant to section 257.6, subsection

Page 2

1 1, paragraph "a", subparagraph (5), may be used only  
 2 for the portion of time in which the teacher is a home  
 3 school assistance program teacher.

4 d. Salary and benefits for clerical, office, and  
 5 administrative staff of the home school assistance  
 6 program. If the staff members are shared with other  
 7 programs or functions within the district, funds  
 8 received pursuant to section 257.6, subsection 1,  
 9 paragraph "a", subparagraph (5), shall only be expended

10 for the portion of time spent providing the home school  
11 assistance program services.

12 e. Staff development for the home school assistance  
13 program teacher.

14 f. Travel for the home school assistance program  
15 teacher.

16 g. Resources, materials, software, and supplies,  
17 and purchased services that meet the following  
18 criteria:

19 (1) Are necessary to provide the services of home  
20 school assistance.

21 (2) Are retained as the possessions of the school  
22 district for its prekindergarten through grade twelve  
23 home school assistance program.

24 3. Purposes for which a school district shall  
25 not expend funds received pursuant to section 257.6,  
26 subsection 1, paragraph "a", subparagraph (5) include  
27 but are not limited to the following:

28 a. Indirect costs or use charges.

29 b. Operational or maintenance costs in addition to  
30 the cost of maintaining school district facilities.

31 c. Capital expenditures other than equipment or  
32 facility acquisition or lease expenditures.

33 d. Student transportation except in cases of home  
34 school assistance program-approved field trips or other  
35 educational activities.

36 e. Administrative costs other than the cost  
37 of employing an administrator for the home school  
38 assistance program.

39 f. Dual enrollment program costs and postsecondary  
40 enrollment options program costs.

41 g. Any other expenditures not directly related to  
42 providing the home school assistance program. A home  
43 school assistance program shall not provide moneys to  
44 parents or students utilizing the program.>

NANCY J. BOETTGER

## S-5114

1 Amend Senate Joint Resolution 2002 as follows:

2 1. Page 1, line 2, by striking <Samuel Kirkwood>  
3 and inserting <James Harlan>

4 2. Page 1, line 6, by striking <Samuel Kirkwood>  
5 and inserting <James Harlan>

6 3. Page 1, line 29, by striking <Kirkwood> and  
7 inserting <Harlan>

MARY JO WILHELM

**S-5115**

1 Amend Senate File 2288 as follows:

2 1. Page 5, after line 27 by inserting:

3 <Sec. \_\_\_\_ Section 257.17, Code 2009, is amended to  
4 read as follows:

5 257.17 Aid reduction for early school starts.

6 State aid payments made pursuant to section

7 257.16 for a fiscal year shall be reduced by one

8 one-hundred-eightieth for each day of that fiscal year

9 for which the school district begins school before the

10 earliest starting date specified in section 279.10,

11 subsection 1. However, this section does not apply to

12 a school district that has received approval from the

13 ~~director of the department of education under section~~

14 ~~279.10, subsection 4, to commence classes for regularly~~

15 ~~established elementary and secondary schools in~~

16 ~~advance of the starting date established in for a pilot~~

17 ~~program for an innovative school year in accordance~~

18 ~~with section 279.10, subsection 4 3.>~~

19 2. Page 8, after line 25 by inserting:

20 <Sec. \_\_\_\_ Section 279.10, subsections 1 and 2,

21 Code 2009, are amended to read as follows:

22 1. The school year shall begin on the first day

23 of July and each regularly established elementary

24 and secondary school shall begin no sooner than ~~a day~~

25 ~~during the calendar week in which the first day of~~

26 ~~September falls the fourth Monday in August but no~~

27 ~~later than the first Monday in December. However, if~~

28 ~~the first day of September falls on a Sunday, school~~

29 ~~may begin on a day during the calendar week which~~

30 ~~immediately precedes the first day of September unless~~

31 ~~the school district has received approval from the~~

32 ~~department of education for a pilot program for an~~

33 ~~innovative school year in accordance with subsection 3.~~

34 School shall continue for at least one hundred eighty

35 days, except as provided in subsection 3, and may be

36 maintained during the entire calendar year. However,

37 if the board of directors of a district extends the

38 school calendar because inclement weather caused the

39 district to temporarily close school during the regular

40 school calendar, the district may excuse a graduating

41 senior who has met district or school requirements for

42 graduation from attendance during the extended school

43 calendar. A school corporation may begin employment

44 of personnel for in-service training and development

45 purposes before the date to begin elementary and

46 secondary school. The earliest starting date specified

47 in this subsection shall not apply to a school district

48 which maintains a year around three semester school

49 year.

50 2. The board of directors shall hold a public

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1 hearing on any ~~proposal~~ request made pursuant to  
 2 subsection 3 prior to submitting it to the department  
 3 of education for approval.  
 4 Sec. \_\_\_\_ Section 279.10, subsection 4, Code 2009,  
 5 is amended by striking the subsection.>  
 6 3. Page 9, line 20, by striking <subsection 2, Code  
 7 2009, is> and inserting <subsections 1 and 2, Code  
 8 2009, are>  
 9 4. Page 9, after line 21 by inserting:  
 10 <1. The board of directors of each public  
 11 school district and the authorities in charge of  
 12 each nonpublic school shall prescribe the minimum  
 13 educational program and an attendance policy which  
 14 shall require each child to attend school for at least  
 15 one hundred forty-eight days, to be met by attendance  
 16 for at least thirty-seven days each school quarter, for  
 17 the schools under their jurisdictions. Each public  
 18 school and non public school shall comply with the  
 19 start date and school calendar requirements specified  
 20 in section 279.10, subsection 1.>  
 21 5. Page 21, after line 7 by inserting:  
 22 <Sec. \_\_\_\_ EFFECTIVE DATE. The sections of  
 23 this Act amending section 257.17, section 279.10,  
 24 subsections 1 and 2, and section 280.3, subsection 1,  
 25 and striking section 279.10, subsection 4, take effect  
 26 July 1, 2011, and are applicable for school years  
 27 beginning on or after that date.>  
 28 6. Title page, line 2, after <boards> by inserting  
 29 <and including effective date provisions>

DAVID JOHNSON

## S-5116

1 Amend Senate File 2235 as follows:  
 2 1. By striking everything after the enacting clause  
 3 and inserting:  
 4 <Section 1. NEW SECTION. 216A.105 Deliverable  
 5 fuels — mandatory delivery — penalties and remedies.  
 6 1. A deliverable fuel vendor engaged in the  
 7 business of providing deliverable fuel to customers in  
 8 this state shall not withhold the sale or delivery of  
 9 deliverable fuel to a customer from November 1 through  
 10 April 1 annually if either of the following apply:  
 11 a. The customer makes a prepaid cash payment in  
 12 an amount corresponding to the current statewide  
 13 average delivery order price per gallon for the  
 14 deliverable fuel, as determined by the office of energy  
 15 independence, multiplied by two hundred fifty.  
 16 b. The customer is certified as eligible for the

17 federal low-income home energy assistance program.  
18 2. A deliverable fuel vendor is not prohibited  
19 from withholding the sale or delivery of deliverable  
20 fuel to a customer who is certified as eligible  
21 for the federal low-income home energy assistance  
22 program and has received the maximum amount of annual  
23 assistance pursuant to the program, or who cannot make  
24 a prepaid cash payment for deliverable fuel pursuant to  
25 subsection 1, paragraph "a".  
26 3. A deliverable fuel vendor providing deliverable  
27 fuel to a customer described in subsection 1, paragraph  
28 "a", may apply up to twenty-five percent of the  
29 cash payment toward any unpaid balance owed to the  
30 deliverable fuel vendor.  
31 4. a. A customer shall be responsible for the  
32 reasonable cost of system safety checks conducted  
33 by a deliverable fuel vendor, unless the customer  
34 is certified as eligible for the federal low-income  
35 home energy assistance program and the cost is paid  
36 for with program funds. System safety check payments  
37 shall be in addition to, and shall not reduce, the  
38 cash payment otherwise available for deliverable fuel  
39 sale or delivery pursuant to subsection 1, paragraph  
40 "a". A deliverable fuel vendor of propane conducting a  
41 system safety check shall inform customers certified  
42 as eligible for the low-income home energy assistance  
43 program of the existence of programs and projects  
44 developed by the Iowa propane education and research  
45 council to provide assistance to persons certified as  
46 eligible for the program, if applicable based upon the  
47 results of the safety check. A deliverable fuel vendor  
48 shall not be required to make or complete a delivery  
49 of deliverable fuel if a system safety check reveals  
50 mechanical problems or defects with the system which

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1 constitute a safety hazard or concern.  
2 b. A customer shall be responsible for the  
3 reasonable cost of delivering the deliverable fuel to  
4 the customer, as determined by the deliverable fuel  
5 vendor, unless the customer is certified as eligible  
6 for the federal low-income home energy assistance  
7 program and the cost is paid for with program funds.  
8 Delivery fees or charges shall be in addition to, and  
9 shall not reduce, the cash payment otherwise available  
10 for the deliverable fuel sale or delivery pursuant to  
11 subsection 1, paragraph "a".  
12 5. A violation of this section is an unlawful  
13 practice pursuant to section 714.16 and a prohibited  
14 practice pursuant to chapter 714H.  
15 6. For the purposes of this section, unless the

16 context otherwise requires:

- 17 a. "Customer" means an existing customer of a  
18 deliverable fuel vendor or a prospective customer  
19 who submits an application or otherwise applies for  
20 the purchase or delivery of deliverable fuel from a  
21 deliverable fuel vendor serving the general geographic  
22 area or vicinity where the fuel will be delivered.
- 23 b. "Deliverable fuel" means propane or any other  
24 heating fuel sold or delivered in this state for home  
25 heating purposes.
- 26 c. "Deliverable fuel vendor" means a retail propane  
27 marketer or a retail dispenser or marketer of a  
28 deliverable fuel other than propane.
- 29 d. "Propane" and "retail propane marketer" mean the  
30 same as defined in section 101C.2.>
- 31 2. Title page, line 2, after <circumstances,> by  
32 inserting <providing penalties,>
- 33 3. By renumbering as necessary.

STEVEN J. SODDERS

## S-5117

- 1 Amend Senate File 2355 as follows:
- 2 1. Page 1, line 34, after <department> by inserting  
3 <to install or maintain the types of fire protection  
4 systems endorsed on the license>
- 5 2. Page 2, after line 1 by inserting:  
6 <NEW SUBSECTION. 8A. "Preengineered fire protection  
7 system" means a fire protection system that has a  
8 predetermined flow rate, nozzle pressure, and quantity  
9 of extinguishing agent.>
- 10 3. Page 2, line 28, before <with> by inserting  
11 <with appropriate endorsements for that type of  
12 system.>
- 13 4. Page 3, by striking lines 23 through 25 and  
14 inserting <be licensed to work on special hazard fire  
15 protection systems but shall not be licensed to perform  
16 installation or maintenance on a preengineered fire  
17 protection system or on>
- 18 5. Page 4, after line 33 by inserting:  
19 <1A. The state fire marshal shall issue a fire  
20 protection system installer and maintenance worker  
21 license with endorsements restricted to preengineered  
22 fire protection systems to an applicant who does not  
23 meet the requirements of subsection 1 but does meet the  
24 following requirements:
- 25 a. To be endorsed as a preengineered kitchen fire  
26 extinguishing system installer, has successfully  
27 completed training and an examination verified by  
28 a preengineered system manufacturer, an agent of a  
29 preengineered system manufacturer, or an organization

30 that is approved by the state fire marshal.  
 31 b. To be endorsed as a preengineered kitchen  
 32 fire extinguishing system maintenance worker, has  
 33 successfully completed training by the worker's  
 34 employer or the system's manufacturer and has passed a  
 35 written or online examination for preengineered kitchen  
 36 fire extinguishing system maintenance that is approved  
 37 by the state fire marshal.  
 38 c. To be endorsed as a preengineered industrial  
 39 fire extinguishing system installer, possesses  
 40 a training and examination certification from a  
 41 preengineered system manufacturer, an agent of a  
 42 preengineered system manufacturer, or an organization  
 43 that is approved by the state fire marshal.  
 44 d. To be endorsed as a preengineered industrial  
 45 fire extinguishing system maintenance worker, has  
 46 been trained by the worker's employer, and has passed  
 47 a written or online examination for preengineered  
 48 industrial fire extinguishing system maintenance that  
 49 is approved by the state fire marshal.>  
 50 6. Page 5, line 19, after <license> by

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- 1 inserting <with appropriate endorsements>
- 2 7. By renumbering as necessary.

JEFF DANIELSON

## S-5118

- 1 Amend Senate File 2349 as follows:
- 2 1. Page 1, line 1, by striking <514C.24> and
- 3 inserting <514C.26>
- 4 2. Page 1, line 33, by striking <commissioner> and
- 5 inserting <board of medicine>
- 6 3. Page 3, line 12, by striking <less> and
- 7 inserting <more>
- 8 4. Page 3, line 15, by striking <2013> and
- 9 inserting <2014>
- 10 5. Page 5, line 12, by striking <commissioner, in
- 11 consultation with the>
- 12 6. Page 5, line 13, by striking <medicine,> and
- 13 inserting <medicine>
- 14 7. Page 5, line 17, by striking <commissioner> and
- 15 inserting <board of medicine>
- 16 8. Page 6, line 2, by striking <commissioner> and
- 17 inserting <board of medicine>
- 18 9. Page 6, line 10, by striking <commissioner> and
- 19 inserting <board of medicine>
- 20 10. Page 6, line 23, by striking <2010> and
- 21 inserting <2011>



22 11. Title page, line 1, after <insurance> by  
 23 inserting <plans>

TOM RIELLY

**S-5119**

1 Amend Senate File 2296 as follows:  
 2 1. Page 18, line 30, after <plants.> by inserting  
 3 <The department is authorized to sell plant material  
 4 in other states.>  
 5 2. Page 18, lines 34 and 35, by striking <of Iowa  
 6 and in other states>  
 7 3. Page 25, by striking lines 7 through 9 and  
 8 inserting <~~two~~ twenty-five dollars for each meet  
 9 or trial held, with the exception of meets or trials  
 10 held for raccoon hunting, for which the fee shall be  
 11 eight dollars.>  
 12 4. Page 26, by striking lines 2 through 7 and  
 13 inserting <thirty days following complete removal of  
 14 all feed.>  
 15 5. Page 26, line 15, after <animal> by inserting <,  
 16 except fish or turtles.>  
 17 6. Page 26, line 29, by striking <permanently>  
 18 7. Page 27, by striking lines 5 through 7 and  
 19 inserting:  
 20 <(2) The feed is stored in a manner consistent with  
 21 the person's normal agricultural practices.>  
 22 8. Page 27, line 13, by striking <agencies of the  
 23 state> and inserting <state or county agencies>  
 24 9. Page 27, line 15, before <public> by inserting  
 25 <education,>  
 26 10. Page 27, after line 21 by inserting:  
 27 <g. Recreational feeding of waterfowl at federal,  
 28 state, county, or city parks or refuges if not  
 29 otherwise prohibited by the managing agency or  
 30 municipality of such parks or refuges.>

DICK L. DEARDEN

**S-5120**

1 Amend Senate File 2328 as follows:  
 2 1. Page 3, after line 8 by inserting:  
 3 <Sec. \_\_\_\_ Section 422.20, subsection 3, paragraph  
 4 a, Code 2009, is amended to read as follows:  
 5 a. Unless otherwise expressly permitted by  
 6 section 8A.504, section 421.17, subsections 22, 23,  
 7 and 26, sections and subsection 27, paragraph "k",  
 8 section 252B.9, section 321.40, subsection 6, paragraph  
 9 "b", sections 321.120, 421.19, 421.28, 422.72, and  
 10 452A.63, and this section, a tax return, return

11 information, or investigative or audit information  
 12 shall not be divulged to any person or entity,  
 13 other than the taxpayer, the department, or internal  
 14 revenue service for use in a matter unrelated to tax  
 15 administration.

16 Sec. \_\_\_\_ Section 422.72, subsection 3, paragraph  
 17 a, Code 2009, is amended to read as follows:

18 a. Unless otherwise expressly permitted by  
 19 section 8A.504, section 421.17, subsections 22, 23,  
 20 and 26, ~~sections and subsection 27, paragraph "k",~~  
 21 section 252B.9, section 321.40, subsection 6, paragraph  
 22 "b", sections 321.120, 421.19, 421.28, 422.20, and  
 23 452A.63, and this section, a tax return, return  
 24 information, or investigative or audit information  
 25 shall not be divulged to any person or entity,  
 26 other than the taxpayer, the department, or internal  
 27 revenue service for use in a matter unrelated to tax  
 28 administration.>

29 2. By renumbering as necessary.

KIM REYNOLDS

## S-5121

- 1 Amend Senate File 2234 as follows:
- 2 1. Page 1, by striking lines 1 through 6.
- 3 2. Page 1, line 18, after <of> by inserting <the>
- 4 3. Page 1, line 25, after <separate> by inserting
- 5 <written>
- 6 4. Page 1, line 26, by striking <relates to> and
- 7 inserting <materially affects>
- 8 5. Page 2, line 22, after <claims> by inserting
- 9 <controversies>
- 10 6. Page 2, line 23, after <chapter> by inserting
- 11 <by written release or other written document where
- 12 separate and adequate consideration is offered and
- 13 accepted>
- 14 7. Page 2, line 28, after <void.> by inserting
- 15 <This section does not limit a franchiser from
- 16 establishing good cause for the termination of a
- 17 franchise pursuant to sections 322A.2 and 322A.11 on
- 18 the grounds that the franchisee's dealership facility
- 19 is not adequate to accommodate an additional line-make
- 20 that has been added to the franchisee's dealership.>
- 21 8. Page 2, line 34, by striking <customer> and
- 22 inserting <customer, including information necessary to
- 23 complete the sale of the vehicle.>
- 24 9. By renumbering as necessary.

SWATI A. DANDEKAR

**S-5122**

- 1 Amend Senate File 2316 as follows:
- 2 1. Page 1, by striking lines 1 through 11.
- 3 2. Page 1, line 22, by striking <adopt> and  
4 inserting <develop>
- 5 3. Page 2, by striking line 3 and inserting  
6 <The department shall consider including all of the  
7 following in the model ordinance:>
- 8 4. Page 2, by striking lines 18 through 23 and  
9 inserting <identified on a flood insurance rate map  
10 certified by the federal emergency management agency  
11 or, if a certified flood insurance rate map is not  
12 available, on a map developed or approved by the  
13 department.>
- 14 5. Page 2, line 26, by striking <“facilities  
15 critical> and inserting <facilities “critical>
- 16 6. Page 2, line 27, by striking <includes> and  
17 inserting <include>
- 18 7. Page 2, line 29, by striking <water supply and  
19 distribution facilities,>
- 20 8. By striking page 2, line 32, through page 3,  
21 line 5.
- 22 9. Page 3, by striking lines 6 and 7 and inserting:  
23 <2. Any construction of a new facility, or any  
24 substantial modification or improvement of an existing  
25 facility, critical for the health and safety>
- 26 10. Page 3, line 9, after <plain> by inserting <as  
27 identified on a flood insurance rate map certified  
28 by the federal emergency management agency or, if a  
29 certified flood insurance rate map is not available, on  
30 a map developed or approved by the department>
- 31 11. Page 3, line 17, by striking <4.> and inserting  
32 <3.>
- 33 12. Page 3, by striking lines 20 through 24 and  
34 inserting:  
35 <4. Not later than December 31, 2012, the  
36 department shall amend its standards under section  
37 455B.173, subsection 8, to provide for the safe  
38 operation and function, or the safe cessation of  
39 the operation and function, of facilities regulated  
40 pursuant to that subsection, during the occurrence  
41 of a two-tenths percent flood as determined by the  
42 department.>
- 43 13. Page 5, line 17, by striking <shall> and  
44 inserting <may>
- 45 14. Page 5, line 19, by striking <shall> and  
46 inserting <may>
- 47 15. Page 5, by striking lines 21 through 24  
48 and inserting <For purposes of this section,  
49 integrated wetlands and drainage systems shall provide  
50 for nutrient trapping and treatment, more water

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- 1 infiltration and evapotranspiration, greater water
- 2 runoff retention, and habitat to support biodiversity.>
- 3 16. By striking page 7, line 18, through page 8,
- 4 line 1.
- 5 17. By renumbering as necessary.

ROBERT M. HOGG

**S-5123**

- 1 Amend Senate File 2316 as follows:
- 2 1. Page 1, line 35, after <cities,> by inserting
- 3 <conservation districts of Iowa,>

JAMES F. HAHN

**S-5124**

- 1 Amend the amendment, S-5116, to Senate File 2235 as
- 2 follows:
- 3 1. Page 1, by striking lines 11 through 15 and
- 4 inserting:
- 5 <a. The customer makes a prepaid cash payment in
- 6 an amount corresponding to the vendor's stated cash
- 7 price of that day for two hundred fifty gallons of
- 8 deliverable fuel.>
- 9 2. Page 1, line 30, after <vendor.> by inserting
- 10 <In the event that a payment arrangement is entered
- 11 into between a deliverable fuel vendor and a customer
- 12 described in subsection 1, paragraph "a", and the
- 13 customer misses three payments pursuant to the
- 14 arrangement within a one-year period or within the time
- 15 period during which the arrangement is in effect, the
- 16 vendor may require payment of all past due payments
- 17 in full before making a delivery pursuant to this
- 18 section. In the event that an unpaid balance is owed
- 19 by a customer who is certified as eligible for the
- 20 federal low-income home energy assistance program,
- 21 the division shall offer assistance in facilitating a
- 22 payment arrangement.>
- 23 3. Page 2, line 28, after <propane> by inserting
- 24 <for home heating purposes>

STEVEN J. SODDERS

**S-5125**

- 1 Amend Senate File 2288 as follows:
- 2 1. Page 5, line 9, by striking <subparagraph (3),
- 3 Code Supplement 2009, is> and inserting <subparagraphs

4 (3) and (5), Code Supplement 2009, are>  
 5 2. Page 5, after line 27 by inserting:  
 6 <(5) Resident pupils receiving competent private  
 7 instruction from a licensed practitioner provided  
 8 through a public school district pursuant to chapter  
 9 299A shall be counted as three-tenths of one pupil.  
 10 Revenues received by a school district attributed to a  
 11 school district's weighted enrollment pursuant to this  
 12 paragraph shall be expended for the purpose for which  
 13 the weighting was assigned under this paragraph. If  
 14 the school district determines that the expenditures  
 15 associated with providing competent private instruction  
 16 pursuant to chapter 299A are in excess of the  
 17 revenue attributed to the school district's weighted  
 18 enrollment for such instruction in accordance with this  
 19 subparagraph, the school district may submit a request  
 20 to the school budget review committee for modified  
 21 allowable growth in accordance with section 257.31,  
 22 subsection 5, paragraph "n". A home school assistance  
 23 program shall not provide moneys received pursuant to  
 24 this subparagraph, nor resources paid for with moneys  
 25 received pursuant to this subparagraph, to parents or  
 26 students utilizing the program. Moneys received by a  
 27 school district pursuant to this subparagraph shall be  
 28 used as provided in section 299A.12.>  
 29 3. Page 17, after line 35 by inserting:  
 30 <Sec. \_\_. NEW SECTION. 299A.12 Home school  
 31 assistance program.  
 32 1. The board of directors of a school district  
 33 may expend moneys received pursuant to section 257.6,  
 34 subsection 1, paragraph "a", subparagraph (5), for  
 35 purposes of providing a home school assistance program.  
 36 2. Purposes for which a school district may expend  
 37 funds received pursuant to section 257.6, subsection 1,  
 38 paragraph "a", subparagraph (5), shall include but not  
 39 be limited to the following:  
 40 a. Assisting parents with instruction.  
 41 b. Student and teaching-parent support services and  
 42 staff support services.  
 43 c. Salary and benefits for the supervising teacher  
 44 of the home school assistance program students. If the  
 45 teacher is a part-time home school assistance program  
 46 teacher and a part-time regular classroom teacher,  
 47 funds received pursuant to section 257.6, subsection  
 48 1, paragraph "a", subparagraph (5), may be used only  
 49 for the portion of time in which the teacher is a home  
 50 school assistance program teacher.

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- 1 d. Salary and benefits for clerical and office
- 2 staff of the home school assistance program. If

3 the staff members are shared with other programs  
4 or functions within the district, funds received  
5 pursuant to section 257.6, subsection 1, paragraph  
6 “a”, subparagraph (5), shall only be expended for  
7 the portion of time spent providing the home school  
8 assistance program services.  
9 e. Staff development for the home school assistance  
10 program teacher.  
11 f. Travel for the home school assistance program  
12 teacher.  
13 g. Resources, materials, computer software and  
14 hardware, and supplies, and purchased services that  
15 meet the following criteria:  
16 (1) Are necessary to provide the services of home  
17 school assistance.  
18 (2) Are retained as the possessions of the school  
19 district for its prekindergarten through grade twelve  
20 home school assistance program.  
21 3. Purposes for which a school district shall  
22 not expend funds received pursuant to section 257.6,  
23 subsection 1, paragraph “a”, subparagraph (5), include  
24 but are not limited to the following:  
25 a. Indirect costs or use charges.  
26 b. Operational or maintenance costs in addition to  
27 the cost of maintaining school district facilities.  
28 c. Capital expenditures.  
29 d. Student transportation except in cases of home  
30 school assistance program-approved field trips or other  
31 educational activities.  
32 e. Administrative costs.  
33 f. Concurrent enrollment program costs and  
34 postsecondary enrollment options program costs.  
35 g. Any other expenditures not directly related to  
36 providing the home school assistance program. A home  
37 school assistance program shall not provide moneys to  
38 parents or students utilizing the program.>  
39 4. By renumbering as necessary.

BECKY SCHMITZ

**S-5126**

1 Amend Senate File 2357 as follows:  
2 1. By striking everything after the enacting clause  
3 and inserting:  
4 <Section 1. Section 236.4, subsection 2, Code 2009,  
5 is amended to read as follows:  
6 2. The court may enter any temporary order it deems  
7 necessary to protect the plaintiff from domestic abuse  
8 prior to the hearing, upon good cause shown in an ex  
9 parte proceeding. Present danger of domestic abuse to  
10 the plaintiff constitutes good cause for purposes of

11 this subsection. A temporary order issued pursuant to  
12 this subsection shall specifically include notice that  
13 the person may be required to relinquish all firearms,  
14 offensive weapons, and ammunition upon the issuance of  
15 a permanent order pursuant to section 236.5.

16 Sec. 2. Section 236.5, subsection 1, paragraph  
17 b, Code Supplement 2009, is amended by adding the  
18 following new subparagraph:

19 NEW SUBPARAGRAPH. (02) That the defendant not  
20 knowingly possess, ship, transport, or receive  
21 firearms, offensive weapons, and ammunition in  
22 violation of section 724.26, subsection 2.

23 Sec. 3. Section 664A.3, Code 2009, is amended by  
24 adding the following new subsection:

25 NEW SUBSECTION. 6. A no-contact order issued  
26 pursuant to this section shall specifically include  
27 notice that the person may be required to relinquish  
28 all firearms, offensive weapons, and ammunition upon  
29 the issuance of a permanent no-contact order pursuant  
30 to section 664A.5.

31 Sec. 4. Section 724.26, Code 2009, is amended to  
32 read as follows:

33 724.26 Possession, receipt, transportation, or  
34 dominion and control of firearms, ~~and~~ offensive weapons,  
35 and ammunition by felons and others.

36 1. A person who is convicted of a felony in  
37 a state or federal court, or who is adjudicated  
38 delinquent on the basis of conduct that would  
39 constitute a felony if committed by an adult, and who  
40 knowingly has under the person's dominion and control  
41 or possession, receives, or transports or causes to be  
42 transported a firearm or offensive weapon is guilty of  
43 a class "D" felony.

44 2. A person who is subject to a protective order  
45 under 18 U.S.C. § 922(g)(8) or who has been convicted  
46 of a misdemeanor crime of domestic violence under 18  
47 U.S.C. § 922(g)(9) and who knowingly possesses, ships,  
48 transports, or receives a firearm, offensive weapon, or  
49 ammunition is guilty of a class "D" felony.

50 3. Upon the issuance of a protective order or entry

Page 2

1 of a judgment of conviction described in subsection 2,  
2 the court shall inform the person who is the subject  
3 of such order or conviction that the person shall  
4 not possess, ship, transport, or receive a firearm,  
5 offensive weapon, or ammunition while such order is in  
6 effect or until such conviction is vacated or until the  
7 person's rights have been restored in accordance with  
8 section 724.27.

9 4. Except as provided in section 809A.17,

10 subsection 5, paragraph "b", a court that issues an  
 11 order or that enters a judgment of conviction described  
 12 in subsection 2 and that finds the subject of the order  
 13 or conviction to be in possession of any firearm,  
 14 offensive weapon, or ammunition shall order that such  
 15 firearm, offensive weapon, or ammunition be sold or  
 16 transferred by a date certain to the custody of a  
 17 qualified person in this state, as determined by the  
 18 court. The qualified person must be able to lawfully  
 19 possess such firearm, offensive weapon, or ammunition  
 20 in this state. If the court is unable to identify a  
 21 qualified person to receive such firearm, offensive  
 22 weapon, or ammunition, the court shall order that the  
 23 firearm, offensive weapon, or ammunition be transferred  
 24 by a date certain to the county sheriff or a local  
 25 law enforcement agency designated by the court for  
 26 safekeeping until a qualified person is identified to  
 27 receive the firearm, offensive weapon, or ammunition,  
 28 until such order is no longer in effect, until such  
 29 conviction is vacated, or until the person's rights  
 30 have been restored in accordance with section 724.27.  
 31 If the firearm, offensive weapon, or ammunition is to  
 32 be transferred to the sheriff's office or a local law  
 33 enforcement agency, the court shall assess the person  
 34 the reasonable cost of storing the firearm, offensive  
 35 weapon, or ammunition, payable to the county sheriff or  
 36 the local law enforcement agency.  
 37 5. Upon entry of an order described in subsection  
 38 2, the court shall enter the name, address, date of  
 39 birth, driver's license number, or other identifying  
 40 information of the person subject to the order into  
 41 the Iowa criminal justice information system, the  
 42 reason for the order, and the date by which the person  
 43 is required to comply with any relinquishment order  
 44 issued under subsection 4. At the time such order is  
 45 no longer in effect, such information relating to the  
 46 prohibition in subsection 3 shall be deleted from the  
 47 Iowa criminal justice information system.>

KEITH A. KREIMAN

## S-5127

- 1 Amend Senate File 2288 as follows:
- 2 1. Page 17, after line 10 by inserting:
- 3 <Sec. \_\_\_\_ Section 297.22, subsection 2, paragraph
- 4 a, Code Supplement 2009, is amended to read as follows:
- 5 a. The board of directors of a school district may
- 6 sell, lease, exchange, give, or grant, and accept any
- 7 interest in real property to, with, or from a county,
- 8 municipal corporation, school district, township, or
- 9 area education agency ~~if the real property is within~~



- 10 ~~the jurisdiction of both the grantor and grantee.>~~  
11 2. By renumbering as necessary.

TIM L. KAPUCIAN

**S-5128**

- 1 Amend Senate File 2346 as follows:  
2 1. Page 1, line 5, by striking <step-down provision  
3 or exclusion> and inserting <provision>  
4 2. Page 1, line 11, by striking <step-down  
5 provision or exclusion> and inserting <provision>  
6 3. Page 1, lines 13 and 14, by striking <step-down  
7 provision or exclusion> and inserting <provision that  
8 explains>  
9 4. Page 1, line 17, by striking <informing> and  
10 inserting <that informs>  
11 5. Page 1, lines 18 and 19, by striking <step-down  
12 provision or exclusion> and inserting <provision>  
13 6. Page 1, line 26, by striking <insurer offers>  
14 and inserting <insured purchased>  
15 7. Page 2, line 1, by striking <less> and inserting  
16 <more>

RICH OLIVE

**S-5129**

- 1 Amend Senate File 2321 as follows:  
2 1. Page 1, line 4, by striking <Text-messaging  
3 while driving.> and inserting <Use of electronic  
4 communication device while driving — text messaging.>  
5 2. Page 2, line 2, by striking <operator to  
6 write, send, or read a text message.> and inserting  
7 <operator.>  
8 3. Page 2, lines 5 and 6, by striking <operator to  
9 write, send, or read a text message.> and inserting  
10 <operator.>  
11 4. Title page, line 1, after <Act> by inserting  
12 <concerning the use of electronic communication devices  
13 while driving, including>  
14 5. By renumbering as necessary.

JEFF DANIELSON

**S-5130**

- 1 Amend Senate File 2234 as follows:  
2 1. Page 1, by striking lines 1 through 6.  
3 2. Page 1, line 18, after <of> by inserting <the>  
4 3. Page 1, line 25, after <separate> by inserting  
5 <written>

- 6 4. Page 1, line 26, by striking <relates to> and  
 7 inserting <materially affects>  
 8 5. Page 2, line 22, after <claims,> by inserting  
 9 <controversies>  
 10 6. Page 2, line 23, after <chapter> by inserting  
 11 <by written release or other written document where  
 12 separate and adequate consideration is offered and  
 13 accepted>  
 14 7. Page 2, line 28, after <void.> by inserting  
 15 <This section does not limit a franchiser from  
 16 establishing good cause for the termination of a  
 17 franchise pursuant to sections 322A.2 and 322A.11 on  
 18 the grounds that the franchisee's dealership facility  
 19 is not adequate to accommodate an additional line-make  
 20 that has been added to the franchisee's dealership.>  
 21 8. Page 2, line 34, by striking <customer> and  
 22 inserting <customer, including information necessary to  
 23 complete the sale of the vehicle,>  
 24 9. By renumbering as necessary.

SWATI A. DANDEKAR

**S-5131**

- 1 Amend Senate File 2321 as follows:  
 2 1. By striking everything after the enacting clause  
 3 and inserting:  
 4 <Section 1. Section 321.210, subsection 2, Code  
 5 2009, is amended by adding the following new paragraph:  
 6 NEW PARAGRAPH. e. Violations of section 321.276.  
 7 Sec. 2. NEW SECTION. 321.276 Intentional  
 8 distracted driving.  
 9 1. A person operating a motor vehicle shall not  
 10 intentionally engage in an activity that distracts the  
 11 person from the safe operation of the motor vehicle.  
 12 2. This section does not apply to a member of a  
 13 public safety agency, as defined in section 34.1,  
 14 engaged in the performance of the member's official  
 15 duties.  
 16 3. a. A person convicted of a violation of this  
 17 section is guilty of a simple misdemeanor punishable as  
 18 a scheduled violation under section 805.8A, subsection  
 19 14, paragraph "k".  
 20 b. A violation of this section shall not be  
 21 considered a moving violation for purposes of this  
 22 chapter or rules adopted pursuant to this chapter.  
 23 4. For the period beginning July 1, 2010, through  
 24 June 30, 2011, peace officers shall issue only  
 25 warning citations for violations of this section. The  
 26 department, in cooperation with the department of  
 27 public safety, shall establish educational programs  
 28 to foster compliance with the requirements of this

29 section.

30 Sec. 3. Section 321.482A, unnumbered paragraph 1,  
31 Code 2009, is amended to read as follows:

32 Notwithstanding section 321.482, a person who  
33 is convicted of operating a motor vehicle in  
34 violation of section 321.275, subsection 4, section  
35 321.276, 321.297, 321.298, 321.299, 321.302, 321.303,  
36 321.304, 321.305, 321.306, 321.307, 321.308, section  
37 321.309, subsection 2, or section 321.311, 321.319,  
38 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,  
39 321.324A, 321.327, 321.329, or 321.333 causing serious  
40 injury to or the death of another person may be subject  
41 to the following penalties in addition to the penalty  
42 provided for a scheduled violation in section 805.8A or  
43 any other penalty provided by law:

44 Sec. 4. Section 321.555, subsection 2, Code 2009,  
45 is amended to read as follows:

46 2. Six or more of any separate and distinct  
47 offenses within a two-year period in the operation of a  
48 motor vehicle, which are required to be reported to the  
49 department by section 321.491 or chapter 321C, except  
50 equipment violations, parking violations as defined

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1 in section 321.210, violations of registration laws,  
2 violations of sections 321.445 and 321.446, violations  
3 of section 321.276, operating a vehicle with an expired  
4 license or permit, failure to appear, weights and  
5 measures violations and speeding violations of less  
6 than fifteen miles per hour over the legal speed limit.

7 Sec. 5. Section 805.8A, subsection 14, Code  
8 Supplement 2009, is amended by adding the following new  
9 paragraph:

10 NEW PARAGRAPH. k. Distracted driving violations.  
11 For violations under section 321.276, the scheduled  
12 fine is thirty dollars.>

13 2. Title page, by striking lines 1 through 3 and  
14 inserting <An Act relating to driving while distracted  
15 and providing penalties.>

16 3. By renumbering as necessary.

BRAD ZAUN

**S-5132**

1 Amend Senate File 2321 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 321.210, subsection 2, Code  
5 2009, is amended by adding the following new paragraph:

6 NEW PARAGRAPH. e. Violations of section 321.276.

7 Sec. 2. NEW SECTION. 321.276 Prohibited use  
8 of electronic communication device — persons under  
9 eighteen years of age.  
10 1. For purposes of this section, unless the context  
11 otherwise requires:  
12 a. “Electronic communication device” means an  
13 electronic device, including but not limited to a  
14 wireless telephone, a personal digital assistant, or  
15 a portable or mobile computer, capable of being used  
16 for the purpose of writing, reading, or sending a  
17 text-based communication or accessing the internet.  
18 b. “Text message” means a text-based communication  
19 transmitted through the short messaging service  
20 (SMS), a wireless telephone service, or an electronic  
21 communication network by means of a wireless handset or  
22 other electronic communication device.  
23 c. “Write, read, or send a text-based communication”  
24 means using an electronic communication device  
25 to communicate with any person or device using a  
26 text-based communication, including but not limited to  
27 a text message, an instant message, or electronic mail.  
28 2. A person under eighteen years of age shall  
29 not operate a motor vehicle while using an electronic  
30 communication device to write, read, or send a  
31 text-based communication or to access the internet.  
32 3. a. A person convicted of a violation of this  
33 section is guilty of a simple misdemeanor punishable as  
34 a scheduled violation under section 805.8A, subsection  
35 14, paragraph “k”.  
36 b. A violation of this section shall not be  
37 considered a moving violation for purposes of this  
38 chapter or rules adopted pursuant to this chapter.  
39 4. For the period beginning July 1, 2010, through  
40 June 30, 2011, peace officers shall issue only  
41 warning citations for violations of this section. The  
42 department, in cooperation with the department of  
43 public safety, shall establish educational programs  
44 to foster compliance with the requirements of this  
45 section.  
46 Sec. 3. Section 321.482A, unnumbered paragraph 1,  
47 Code 2009, is amended to read as follows:  
48 Notwithstanding section 321.482, a person who  
49 is convicted of operating a motor vehicle in  
50 violation of section 321.275, subsection 4, section

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1 321.276, 321.297, 321.298, 321.299, 321.302, 321.303,  
2 321.304, 321.305, 321.306, 321.307, 321.308, section  
3 321.309, subsection 2, or section 321.311, 321.319,  
4 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,  
5 321.324A, 321.327, 321.329, or 321.333 causing serious

6 injury to or the death of another person may be subject  
 7 to the following penalties in addition to the penalty  
 8 provided for a scheduled violation in section 805.8A or  
 9 any other penalty provided by law:

10 Sec. 4. Section 321.555, subsection 2, Code 2009,  
 11 is amended to read as follows:

12 2. Six or more of any separate and distinct  
 13 offenses within a two-year period in the operation of a  
 14 motor vehicle, which are required to be reported to the  
 15 department by section 321.491 or chapter 321C, except  
 16 equipment violations, parking violations as defined  
 17 in section 321.210, violations of registration laws,  
 18 violations of sections 321.445 and 321.446, violations  
 19 of section 321.276, operating a vehicle with an expired  
 20 license or permit, failure to appear, weights and  
 21 measures violations and speeding violations of less  
 22 than fifteen miles per hour over the legal speed limit.

23 Sec. 5. Section 805.8A, subsection 14, Code  
 24 Supplement 2009, is amended by adding the following new  
 25 paragraph:

26 NEW PARAGRAPH. k. Electronic communication device  
 27 violations. For violations under section 321.276, the  
 28 scheduled fine is thirty dollars.>

29 2. Title page, by striking lines 1 through 3 and  
 30 inserting <An Act relating to the use of electronic  
 31 communication devices by a motor vehicle operator under  
 32 eighteen years of age and providing penalties.>

33 3. By renumbering as necessary.

BRAD ZAUN

### S-5133

1 Amend House File 2456, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 1, line 26, by striking <write or send> and  
 4 inserting <write, send, or read>

5 2. Page 1, lines 28 and 29, by striking <writing or  
 6 sending> and inserting <writing, sending, or reading>

7 3. Title page, lines 2 and 3, by striking <writing  
 8 or sending> and inserting <writing, sending, or  
 9 reading>

10 4. By renumbering as necessary.

STACI APPEL  
 BILL HECKROTH

### S-5134

1 Amend Senate File 2305 as follows:

2 1. Page 1, after line 18 by inserting:

3 <Sec. \_\_\_\_. Section 692A.101, subsection 27, Code

4 Supplement 2009, is amended to read as follows:  
 5 27. "Sex offense" means an indictable offense for  
 6 which a conviction has been entered that ~~has an element~~  
 7 ~~involving a sexual act, sexual contact, or sexual~~  
 8 ~~conduct, and which~~ is enumerated in section 692A.102,  
 9 and means any comparable offense for which a conviction  
 10 has been entered under prior law, or any comparable  
 11 offense for which a conviction has been entered in  
 12 a federal, military, or foreign court, or another  
 13 jurisdiction.

14 Sec. \_\_\_\_ Section 692A.101, Code Supplement 2009,  
 15 is amended by adding the following new subsection:  
 16 NEW SUBSECTION. 28A. "Sexually motivated" means the  
 17 same as defined in section 229A.2.>

18 2. Page 1, by striking lines 19 through 31.

19 3. Page 1, before line 32 by inserting:

20 <Sec. \_\_\_\_ Section 692A.102, subsection 1,  
 21 paragraph a, subparagraphs (6) and (7), Code Supplement  
 22 2009, are amended to read as follows:

23 (6) (a) Harassment in violation of section 708.7,  
 24 subsection 1, 2, or 3, if a determination is made that  
 25 the offense was sexually motivated pursuant to section  
 26 692A.126.

27 ~~(7)~~ (b) Stalking in violation of section 708.11,  
 28 except a violation of subsection 3, paragraph "b",  
 29 subparagraph (3), if a determination is made that the  
 30 offense was sexually motivated pursuant to section  
 31 692A.126.

32 (c) Any other indictable offense in violation of  
 33 chapter 708 if the offense is committed against a minor  
 34 and if a determination is made that the offense was  
 35 sexually motivated pursuant to section 692A.126.

36 Sec. \_\_\_\_ Section 692A.102, subsection 1, paragraph  
 37 a, Code Supplement 2009, is amended by adding the  
 38 following new subparagraphs:

39 NEW SUBPARAGRAPH. (08) Pimping in violation of  
 40 section 725.2 if the offense was committed against  
 41 a minor or otherwise involves a minor and if a  
 42 determination is made that the offense was sexually  
 43 motivated pursuant to section 692A.126.

44 NEW SUBPARAGRAPH. (008) Pandering in violation  
 45 of section 725.3, subsection 2, if a determination is  
 46 made that the offense was sexually motivated pursuant  
 47 to section 692A.126.

48 NEW SUBPARAGRAPH. (0008) Any indictable offense in  
 49 violation of chapter 726 if the offense is committed  
 50 against a minor or otherwise involves a minor and if

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1 a determination is made that the offense was sexually  
 2 motivated pursuant to section 692A.126.

3 Sec. \_\_\_\_ Section 692A.102, subsection 1, paragraph  
4 b, Code Supplement 2009, is amended by adding the  
5 following new subparagraph:  
6 NEW SUBPARAGRAPH. (015) Pandering in violation of  
7 section 725.3.>  
8 4. Page 1, line 35, by striking <(5A).> and  
9 inserting <(06)>  
10 5. Page 2, after line 13 by inserting:  
11 <Sec. \_\_\_\_ Section 692A.113, subsection 1,  
12 unnumbered paragraph 1, Code Supplement 2009, is  
13 amended to read as follows:  
14 A sex offender who has been convicted of a sex  
15 offense against a minor or a person required to  
16 register as a sex offender in another jurisdiction for  
17 an offense involving a minor shall not do any of the  
18 following:>  
19 6. Page 2, after line 28 by inserting:  
20 <Sec. \_\_\_\_ Section 692A.125, Code Supplement 2009,  
21 is amended by adding the following new subsection:  
22 NEW SUBSECTION. 2A. For an offense requiring  
23 registration due to sexual motivation, the registration  
24 requirements of section 692A.126 shall apply to a  
25 person convicted of an offense if the department  
26 makes the determination that the offense was sexually  
27 motivated as provided in section 692A.126, subsection  
28 2.  
29 Sec. \_\_\_\_ Section 692A.126, Code Supplement 2009,  
30 is amended to read as follows:  
31 692A.126 Sexually motivated offense —  
32 determination.  
33 1. If a judge or jury makes a determination, beyond  
34 a reasonable doubt, that any of the following offenses  
35 for which a conviction has been entered on or after  
36 July 1, 2009, are sexually motivated, the person shall  
37 be required to register as provided in this chapter:  
38 a. Murder in the first degree in violation of  
39 section 707.2.  
40 b. Murder in the second degree in violation of  
41 section 707.3.  
42 c. Voluntary manslaughter in violation of section  
43 707.4.  
44 d. Involuntary manslaughter in violation of section  
45 707.5.  
46 e. Attempt to commit murder in violation of section  
47 707.11.  
48 f. Harassment in violation of section 708.7,  
49 subsection 1, 2, or 3.  
50 g. Stalking in violation of section 708.11,

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1 subsection 3, paragraph "b", subparagraph (3).  
 2 h. Any other indictable offense in violation of  
 3 chapter 708 if the offense was committed against a  
 4 minor or otherwise involves a minor.  
 5 ~~h. i.~~ Kidnapping in the first degree in violation  
 6 of section 710.2.  
 7 ~~i. j.~~ Kidnapping in the second degree in violation  
 8 of section 710.3.  
 9 ~~j. k.~~ Kidnapping in the third degree in violation  
 10 of section 710.4.  
 11 ~~k. l.~~ Child stealing in violation of section  
 12 710.5.  
 13 ~~l. m.~~ Purchase or sale or attempted purchase or  
 14 sale of an individual in violation of section 710.11.  
 15 ~~m. n.~~ Burglary in the first degree in violation  
 16 of section 713.3, subsection 1, paragraph "a", "b", or  
 17 "c".  
 18 ~~n. o.~~ Attempted burglary in the first degree in  
 19 violation of section 713.4.  
 20 ~~o. p.~~ Burglary in the second degree in violation  
 21 of section 713.5.  
 22 ~~p. q.~~ Attempted burglary in the second degree in  
 23 violation of section 713.6.  
 24 ~~q. r.~~ Burglary in the third degree in violation of  
 25 section 713.6A.  
 26 ~~r. s.~~ Attempted burglary in the third degree in  
 27 violation of section 713.6B.  
 28 t. Pimping in violation of section 725.2 if the  
 29 offense was committed against a minor or otherwise  
 30 involves a minor.  
 31 u. Pandering in violation of section 725.3,  
 32 subsection 2.  
 33 v. Any indictable offense in violation of chapter  
 34 726 if the offense was committed against a minor or  
 35 otherwise involves a minor.  
 36 2. a. If a The following persons shall be required  
 37 to register as provided in this chapter if the  
 38 department makes a determination that the offense was  
 39 sexually motivated:  
 40 (1) A person convicted of an offense in this state  
 41 specified under subsection 1 prior to July 1, 2009.  
 42 (2) A person is convicted of an offense in another  
 43 jurisdiction, or convicted of an offense that was  
 44 prosecuted in a federal, military, or foreign court,  
 45 prior to, on, or after July 1, 2009, that is comparable  
 46 to an offense specified in subsection 1, the person  
 47 shall be required to register as provided in this  
 48 chapter if the department makes a determination that  
 49 the offense was sexually motivated.  
 50 ~~3. (3) If a A juvenile is convicted of an offense~~



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1 in another jurisdiction, or convicted of an offense  
 2 as a juvenile in a similar juvenile court proceeding  
 3 in a federal, military, or foreign court, prior to,  
 4 on, or after July 1, 2009, that is comparable to an  
 5 offense specified in subsection 1, ~~the person shall be~~  
 6 ~~required to register as provided in this chapter if the~~  
 7 ~~department makes a determination that the offense was~~  
 8 ~~sexually motivated.~~

9 b. A determination made pursuant to this subsection  
 10 shall be issued in writing and shall include a summary  
 11 of the information and evidence considered in making  
 12 the determination that the offense was sexually  
 13 motivated.

14 c. The determination made by the department shall  
 15 be subject to judicial review in accordance with  
 16 chapter 17A.

17 Sec. \_\_\_\_ NEW SECTION. 708.14 Sexual motivation.

18 A person convicted of any indictable offense under  
 19 this chapter shall be required to register as a sex  
 20 offender pursuant to the provisions of chapter 692A,  
 21 if the offense was committed against a minor and the  
 22 fact finder makes a determination that the offense was  
 23 sexually motivated pursuant to section 692A.126.>

24 7. Page 3, after line 33 by inserting:

25 <Sec. \_\_\_\_ NEW SECTION. 726.10 Sexual motivation.

26 A person convicted of any indictable offense under  
 27 this subchapter shall be required to register as a sex  
 28 offender pursuant to the provisions of chapter 692A,  
 29 if the offense was committed against a minor and the  
 30 fact finder makes a determination that the offense was  
 31 sexually motivated pursuant to section 692A.126. >

8. By renumbering as necessary.

KEITH A. KREIMAN

## S-5135

1 Amend Senate File 2354 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 68A.402A, subsection 1,  
 4 paragraph d, Code 2009, is amended to read as follows:

5 d. The name and mailing address of each person  
 6 who has made one or more in-kind contributions to  
 7 the committee when the aggregate market value of the  
 8 in-kind contributions in a calendar year exceeds the  
 9 applicable amount specified in paragraph "b". In-kind  
 10 contributions shall be designated on a separate  
 11 schedule from schedules showing contributions of money  
 12 and shall identify the nature of the contribution and  
 13 provide its estimated fair market value. A committee

14 receiving an in-kind contribution shall report the  
 15 estimated fair market value of the in-kind contribution  
 16 at the time it is provided to the committee. A person  
 17 providing an in-kind contribution to a committee shall  
 18 notify the committee of the estimated fair market  
 19 value of the in-kind contribution at the time the  
 20 in-kind contribution is provided to the committee. For  
 21 purposes of this section, the estimated fair market  
 22 value of the in-kind contribution shall be reported  
 23 regardless of whether the person has been billed for  
 24 the cost of the in-kind contribution.

25 Sec. \_\_\_\_ Section 68A.402B, Code 2009, is amended  
 26 by adding the following new subsection:

27 NEW SUBSECTION. 3. If a person who files an  
 28 independent expenditure statement and a disclosure  
 29 report, pursuant to section 68A.404, determines  
 30 that the person will no longer make an independent  
 31 expenditure, the person shall notify the board within  
 32 thirty days following such determination by filing a  
 33 termination report on forms prescribed by the board.>

34 2. Page 1, line 5, by striking <one hundred> and  
 35 inserting <one hundred seven hundred fifty>

36 3. Page 1, by striking lines 11 through 15 and  
 37 inserting:

38 <2. a. An entity, other than an individual or  
 39 individuals, shall not make an independent expenditure  
 40 or disburse funds from its treasury to pay for, in  
 41 whole or in part, an independent expenditure made by  
 42 another person without the authorization of a majority  
 43 of the entity's board of directors, executive council,  
 44 or similar organizational leadership body of the  
 45 use of treasury funds for an independent expenditure  
 46 involving a candidate or ballot issue committee. Such  
 47 authorization must occur in the same calendar year in  
 48 which the independent expenditure is incurred.

49 b. Such authorization shall expressly provide  
 50 whether the board of directors, executive council,

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1 or similar organizational leadership body authorizes  
 2 one or more independent expenditures that expressly  
 3 advocate the nomination or election of a candidate or  
 4 passage of a ballot issue or authorizes one or more  
 5 independent expenditures that expressly advocate the  
 6 defeat of a candidate or ballot issue.

7 c. A foreign national shall not make an independent  
 8 expenditure, directly or indirectly, that advocates the  
 9 nomination, election, or defeat of any state or local  
 10 candidate or the passage or defeat of any ballot issue.  
 11 As used in this section, "foreign national" means a  
 12 person who is not a citizen of the United States and

13 who is not lawfully admitted for permanent residence.  
 14 “Foreign national” includes a foreign principal, such  
 15 as a government of a foreign country or a foreign  
 16 political party, partnership, association, corporation,  
 17 organization, or other combination of persons that has  
 18 its primary place of business in or is organized under  
 19 the laws of a foreign country. “Foreign national” does  
 20 not include a person who is a citizen of the United  
 21 States or who is a national of the United States.>

22 4. Page 1, line 18, after <statement.> by inserting  
 23 <All statements and reports required by this section  
 24 shall be filed as an electronic mail attachment, or  
 25 electronic filing as prescribed by rule.>

26 5. Page 1, by striking lines 19 through 23 and  
 27 inserting:

28 <a. The requirement to file an independent  
 29 expenditure statement under this section does not  
 30 by itself mean that Subject to paragraph “b”, the  
 31 person filing the independent expenditure statement  
 32 is required to register and shall file reports  
 33 under sections ~~68A.201 and 68A.402~~ and 68A.402A. An  
 34 initial report shall be filed at the same time as the  
 35 independent expenditure statement. Subsequent reports  
 36 shall be filed according to the same schedule as the  
 37 office or election to which the independent expenditure  
 38 was directed.

39 (1) A supplemental report shall be filed after a  
 40 primary or general election if the person making the  
 41 independent expenditure either raises or expends more  
 42 than one thousand dollars.

43 (2)A report filed as a result of this paragraph  
 44 “a” shall not require the identification of individual  
 45 members who pay dues to a labor union, organization, or  
 46 association, or individual stockholders of a publicly  
 47 traded business corporation.

48 6. Page 1, line 31, after <aggregate> by inserting  
 49 <, or within forty-eight hours of disseminating the  
 50 communication to its intended audience, whichever is

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1 earlier. For purposes of this section, an independent  
 2 expenditure is made when the independent expenditure  
 3 communication is purchased or ordered regardless  
 4 of whether or not the person making the independent  
 5 expenditure has been billed for the cost of the  
 6 independent expenditure>

7 7. Page 2, after line 19 by inserting:

8 <g. A certification that the board of directors,  
 9 executive council, or similar organizational leadership  
 10 body expressly authorized the independent expenditure  
 11 or use of treasury funds for the independent

12 expenditure by resolution or other affirmative  
 13 action within the calendar year when the independent  
 14 expenditure was incurred.>

15 8. Page 2, line 25, by striking <the subject of>  
 16 and inserting <benefited by>

17 9. By striking page 3, line 31, through page 4,  
 18 line 5, and inserting:

19 <f. If the person responsible is a corporation,  
 20 the words "paid for by", the name and address of  
 21 the corporation, and the name and title of the  
 22 corporation's chief executive officer shall appear on  
 23 the material.>

24 10. Page 4, after line 9 by inserting:

25 <h. If the published material is the result of an  
 26 independent expenditure subject to section 68A.404, the  
 27 published material shall include a statement that the  
 28 published material was not authorized by any candidate,  
 29 candidate's committee, or ballot issue committee.>

30 11. Page 6, after line 26 by inserting:

31 <Sec. \_\_\_\_ EMERGENCY RULES. The board shall adopt  
 32 emergency rules under section 17A.4, subsection 3,  
 33 and section 17A.5, subsection 2, paragraph "b", to  
 34 implement the provisions of this Act and the rules  
 35 shall be effective immediately upon filing unless  
 36 a later date is specified in the rules. Any rules  
 37 adopted in accordance with this section shall also be  
 38 published as a notice of intended action as provided  
 39 in section 17A.4.

40 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT. This Act,  
 41 being deemed of immediate importance, takes effect upon  
 42 enactment.>

43 12. Title page, line 3, by striking <and>

44 13. Title page, line 3, after <applicable> by

45 inserting <, and including effective date provisions>

46 14. By renumbering as necessary.

JEFF DANIELSON

## S-5136

1 Amend Senate File 2366 as follows:

2 1. Page 2, line 12, by striking <864,048> and  
 3 inserting <764,048>

4 2. Page 2, line 16, by striking <343,179> and  
 5 inserting <543,179>

6 3. Page 2, line 20, by striking <2,750,762> and  
 7 inserting <2,650,762>

8 4. Page 6, line 7, after <corrections> by inserting  
 9 <and to the department of inspections and appeals for  
 10 the office of the state public defender>

11 5. Page 10, after line 2 by inserting:

12 <TRANSFERS

13 Sec. \_\_\_\_ COLLEGE STUDENT AID COMMISSION.  
 14 1. Notwithstanding section 261.20, for the fiscal  
 15 year beginning July 1, 2009, and ending June 30, 2010,  
 16 the following amounts are transferred for distribution  
 17 to appropriations as provided in subsection 2:  
 18 a. From the scholarship and tuition grant reserve  
 19 fund created in section 261.20:  
 20 ..... \$ 514,180  
 21 b. From moneys from the tuition grant program,  
 22 not-for-profit, that would otherwise be deposited in  
 23 the scholarship and tuition grant reserve fund:  
 24 ..... \$ 228,490  
 25 2. The moneys transferred pursuant to subsection  
 26 1 are distributed after applying the reductions made  
 27 pursuant to executive order number 19 issued October  
 28 8, 2009, as follows:  
 29 a. For the Iowa national guard educational  
 30 assistance program appropriation made in 2009 Iowa  
 31 Acts, chapter 177, section 2, subsection 4:  
 32 ..... \$ 241,120  
 33 b. For the all Iowa opportunity scholarship program  
 34 appropriation made in 2009 Iowa Acts, chapter 177,  
 35 section 2, subsection 6:  
 36 ..... \$ 250,254  
 37 c. For the vocational-technical tuition grants  
 38 appropriation made in section 261.25, subsection 3:  
 39 ..... \$ 251,296  
 40 Sec. \_\_\_\_ DEPARTMENT OF INSPECTIONS AND  
 41 APPEALS. There is transferred from the Medicaid fraud  
 42 account created in section 249A.7 under the department  
 43 of inspections and appeals for the fiscal year  
 44 beginning July 1, 2009, and ending June 30, 2010, after  
 45 applying the reduction made pursuant to executive order  
 46 number 19 issued October 8, 2009, to the following  
 47 appropriation:  
 48 For the investigations division of the department of  
 49 inspections and appeals in 2009 Iowa Acts, chapter 181,  
 50 section 13, subsection 3:

Page 2

1 ..... \$ 747,037  
 2 Sec. \_\_\_\_ EFFECTIVE DATE — APPLICABILITY. This  
 3 section of this division of this Act providing for  
 4 transfers involving the college student aid commission  
 5 and the department of inspections and appeals are  
 6 retroactively applicable to December 14, 2009, and  
 7 apply in lieu of the transfers made for the same  
 8 purposes by the executive branch, as reported by the  
 9 department of management in the transfer notices dated  
 10 December 14, 2009.>  
 11 6. Page 13, line 7, by striking <2009> and

12 inserting <2008>

13 7. Page 13, after line 12 by inserting:

14 <DIVISION \_\_\_\_  
 15 HUMAN SERVICES NURSING  
 16 FACILITY REIMBURSEMENT

17 Sec. \_\_\_\_ 2001 Iowa Acts, chapter 192, section 4,  
 18 subsection 4, as amended by 2008 Iowa Acts chapter  
 19 1187, section 33, as amended by 2009 Iowa Acts, chapter  
 20 182, section 33, is amended by adding the following new  
 21 paragraph:

22 NEW PARAGRAPH. i. Pay-for-performance payments  
 23 shall not be made under this subsection until such  
 24 time as sufficient funding is available to implement  
 25 the subsection, as determined by the director of the  
 26 department of human services.

27 Sec. \_\_\_\_ NURSING FACILITY REIMBURSEMENT AND  
 28 PAYMENT PROCEDURES. Notwithstanding the administrative  
 29 rule changes made by the department of human services  
 30 pursuant to executive order number 19 issued October  
 31 8, 2009, relating to nursing facility payment  
 32 procedures, the department shall reinstitute or  
 33 adopt administrative rules to provide for all of the  
 34 following:

35 1. For purposes of computation of administrative,  
 36 environmental, and property expenses, for nonstate  
 37 owned nursing facilities, patient days shall be  
 38 inpatient days as determined by 441 IAC 81.6(7), or  
 39 85 percent of the licensed capacity of the facility,  
 40 whichever is greater.

41 2. For purposes of calculation of the capital  
 42 cost per diem instant relief add-on pursuant to 441  
 43 IAC 81.6(16)(h)(9) the total patient days shall be  
 44 determined using the most current submitted financial  
 45 and statistical report or using the estimated total  
 46 patient days as reported in the request for the add-on.  
 47 For purposes of calculating the add-on, total patient  
 48 days shall be the greater of the estimated annual total  
 49 patient days or 85 percent of the facility's estimated  
 50 licensed capacity.

Page 3

1 3. For purposes of reconciliation of the capital  
 2 cost per diem instant relief add-on pursuant to 441  
 3 IAC 81.6(16)(h)(12), for purposes of recalculating  
 4 the capital cost per diem instant relief add-on,  
 5 total patient days shall be based on the greater of  
 6 the number of actual patient days during the period  
 7 in which the add-on was paid or 85 percent of the  
 8 facility's actual licensed bed capacity during the  
 9 period in which the add-on was paid.

10 4. For purposes of periods authorized for payment

11 pursuant to 441 IAC 81.10(4), a facility shall hold  
 12 or reserve a bed for periods the resident is absent  
 13 overnight for purposes of hospitalization or prescribed  
 14 therapeutic leave, not to exceed 18 calendar days in  
 15 any calendar year for prescribed therapeutic leave and  
 16 not to exceed 10 days in any calendar month due to  
 17 hospitalization. Beginning December 1, 2009, payment  
 18 shall not be authorized for reserve or bed hold days  
 19 and the facility shall no longer count nonpaid reserve  
 20 or bed hold days in calculating inpatient days for  
 21 payment at new rates. A medical assistance program  
 22 payment to the facility shall not be initiated while a  
 23 resident is on reserve bed days due to hospitalization  
 24 unless the person was residing in the facility as a  
 25 private pay resident prior to the hospitalization and  
 26 returns to the facility as a medical assistance program  
 27 recipient resident.

28 Sec. \_\_\_\_. DEPARTMENT OF HUMAN  
 29 SERVICES. Notwithstanding any provision to the  
 30 contrary and subject to the availability of funds,  
 31 there is appropriated from the quality assurance  
 32 trust fund created pursuant to section 249L.4, to  
 33 the department of human services for the fiscal year  
 34 beginning July 1, 2009, and ending June 30, 2010, no  
 35 more than the following amount or so much thereof as is  
 36 necessary to supplement the appropriations made for the  
 37 following designated purposes:

38 To supplement the appropriation made for medical  
 39 assistance in 2009 Iowa Acts, chapter 182, section 9,  
 40 to be used for nursing facility reimbursement under  
 41 the medical assistance program, in accordance with  
 42 2009 Iowa Acts, chapter 182, section 32, subsection 1,  
 43 paragraph "a", and this division of this Act, and to  
 44 institute the administrative rules changes as directed  
 45 in this division of this Act:

46 ..... \$ 2,300,000

47 The department shall determine the amount of the  
 48 5 percent reduction that can be restored, up to 2  
 49 percent, within the amount of funds available in the  
 50 trust fund during the fiscal period specified, and

1 shall adjust rates accordingly.

2 Sec. \_\_\_\_. CONTINGENT IMPLEMENTATION —  
 3 NOTIFICATION.

4 1. Implementation of this division of this Act  
 5 is contingent upon the department of human services  
 6 receiving approval of the waivers and the medical  
 7 assistance state plan amendment by the centers for  
 8 Medicare and Medicaid services of the United States  
 9 department of health and human services relating to

10 the quality assurance assessment created in chapter  
 11 249L. The department of human services shall notify  
 12 the chairpersons and ranking members of the joint  
 13 appropriations subcommittee on health and human  
 14 services, the legislative services agency, and  
 15 the legislative caucus staffs upon receipt of such  
 16 approval.

17 2. The costs associated with implementation of  
 18 this Act shall be funded exclusively through moneys  
 19 appropriated from the quality assurance trust fund,  
 20 and shall result in budget neutrality to the general  
 21 fund of the state for the fiscal year beginning July 1,  
 22 2009, and ending June 30, 2010.>

23 8. Title page, line 1, after <Act> by inserting  
 24 <relating to public funding and regulatory matters and>

25 9. Title page, line 3, after <date> by inserting  
 26 <and retroactive applicability>

27 10. By renumbering as necessary.

ROBERT E. DVORSKY

### S-5137

1 Amend the amendment, S-5122, to Senate File 2316 as  
 2 follows:

3 1. Page 1, by striking lines 31 and 32 and  
 4 inserting:

5 <\_\_\_. Page 3, by striking lines 17 through 19.>

6 2. Page 1, line 35, by striking <4.> and inserting  
 7 <3.>

8 3. Page 1, by striking line 42 and inserting  
 9 <department.

10 4. a. This section shall not apply if a two-tenths  
 11 percent flood plain is not identified on a flood  
 12 insurance rate map certified by the federal emergency  
 13 management agency or on a map developed or approved by  
 14 the department.

15 b. This section shall not apply to a facility if  
 16 an application is pending for an amendment or revision  
 17 to a flood insurance rate map certified by the federal  
 18 emergency management agency on the basis that the  
 19 facility is not within the two-tenths percent flood  
 20 plain. >>

ROBERT M. HOGG

### S-5138

1 Amend Senate File 2354 as follows:

2 1. Page 1, before line 1 by inserting:

3 <Section 1. Section 68A.402A, subsection 1,

4 paragraph d, Code 2009, is amended to read as follows:



5 d. The name and mailing address of each person  
6 who has made one or more in-kind contributions to  
7 the committee when the aggregate market value of the  
8 in-kind contributions in a calendar year exceeds the  
9 applicable amount specified in paragraph "b". In-kind  
10 contributions shall be designated on a separate  
11 schedule from schedules showing contributions of money  
12 and shall identify the nature of the contribution and  
13 provide its estimated fair market value. A committee  
14 receiving an in-kind contribution shall report the  
15 estimated fair market value of the in-kind contribution  
16 at the time it is provided to the committee. A person  
17 providing an in-kind contribution to a committee shall  
18 notify the committee of the estimated fair market  
19 value of the in-kind contribution at the time the  
20 in-kind contribution is provided to the committee. For  
21 purposes of this section, the estimated fair market  
22 value of the in-kind contribution shall be reported  
23 regardless of whether the person has been billed for  
24 the cost of the in-kind contribution.

25 Sec. \_\_\_\_ Section 68A.402B, Code 2009, is amended  
26 by adding the following new subsection:

27 NEW SUBSECTION. 3. If a person who files an  
28 independent expenditure statement and a disclosure  
29 report, pursuant to section 68A.404, determines  
30 that the person will no longer make an independent  
31 expenditure, the person shall notify the board within  
32 thirty days following such determination by filing a  
33 termination report on forms prescribed by the board.>

34 2. Page 1, line 5, by striking <one hundred> and  
35 inserting <~~one hundred~~ seven hundred fifty>

36 3. Page 1, by striking lines 11 through 15 and  
37 inserting:

38 <2. a. An entity, other than an individual or  
39 individuals, shall not make an independent expenditure  
40 or disburse funds from its treasury to pay for, in  
41 whole or in part, an independent expenditure made by  
42 another person without the authorization of a majority  
43 of the entity's board of directors, executive council,  
44 or similar organizational leadership body of the  
45 use of treasury funds for an independent expenditure  
46 involving a candidate or ballot issue committee. Such  
47 authorization must occur in the same calendar year in  
48 which the independent expenditure is incurred.

49 b. Such authorization shall expressly provide  
50 whether the board of directors, executive council,

Page 2

1 or similar organizational leadership body authorizes  
2 one or more independent expenditures that expressly  
3 advocate the nomination or election of a candidate or

4 passage of a ballot issue or authorizes one or more  
 5 independent expenditures that expressly advocate the  
 6 defeat of a candidate or ballot issue.

7 c. A foreign national shall not make an independent  
 8 expenditure, directly or indirectly, that advocates  
 9 the nomination, election, or defeat of any candidate  
 10 or the passage or defeat of any ballot issue. As used  
 11 in this section, "foreign national" means a person  
 12 who is not a citizen of the United States and who  
 13 is not lawfully admitted for permanent residence.  
 14 "Foreign national" includes a foreign principal, such  
 15 as a government of a foreign country or a foreign  
 16 political party, partnership, association, corporation,  
 17 organization, or other combination of persons that has  
 18 its primary place of business in or is organized under  
 19 the laws of a foreign country. "Foreign national" does  
 20 not include a person who is a citizen of the United  
 21 States or who is a national of the United States.>

22 4. Page 1, line 18, after <statement.> by inserting  
 23 <All statements and reports required by this section  
 24 shall be filed in an electronic format as prescribed  
 25 by rule.>

26 5. Page 1, by striking lines 19 through 23 and  
 27 inserting:

28 <a. The requirement to file an independent  
 29 expenditure statement under this section does not  
 30 by itself mean that Subject to paragraph "b", the  
 31 person filing the independent expenditure statement  
 32 is required to register and shall file reports  
 33 under sections ~~68A.201 and 68A.402~~ and 68A.402A. An  
 34 initial report shall be filed at the same time as the  
 35 independent expenditure statement. Subsequent reports  
 36 shall be filed according to the same schedule as the  
 37 office or election to which the independent expenditure  
 38 was directed.

39 (1) A supplemental report shall be filed on the  
 40 same dates as in section 68A.402, subsection 2,  
 41 paragraph "b", if the person making the independent  
 42 expenditure either raises or expends more than one  
 43 thousand dollars.

44 (2) A report filed as a result of this paragraph  
 45 "a" shall not require the identification of individual  
 46 members who pay dues to a labor union, organization, or  
 47 association, or individual stockholders of a publicly  
 48 traded business corporation. A report filed as a  
 49 result of this paragraph "a" shall not require the  
 50 disclosure of any donor or other source of funding to

1 the person making the independent expenditure except  
 2 when the donation or source of funding, or a portion of

3 the donation or source of funding, was provided for the  
4 purpose of furthering the independent expenditure.>

5 6. Page 1, line 31, after <aggregate> by inserting  
6 <, or within forty-eight hours of disseminating the  
7 communication to its intended audience, whichever is  
8 earlier. For purposes of this section, an independent  
9 expenditure is made when the independent expenditure  
10 communication is purchased or ordered regardless  
11 of whether or not the person making the independent  
12 expenditure has been billed for the cost of the  
13 independent expenditure>

14 7. Page 2, after line 19 by inserting:  
15 <g. A certification that the board of directors,  
16 executive council, or similar organizational leadership  
17 body expressly authorized the independent expenditure  
18 or use of treasury funds for the independent  
19 expenditure by resolution or other affirmative  
20 action within the calendar year when the independent  
21 expenditure was incurred.>

22 8. Page 2, line 25, by striking <the subject of>  
23 and inserting <benefited by>

24 9. By striking page 3, line 31, through page 4,  
25 line 5, and inserting:  
26 <f. If the person responsible is a corporation,  
27 the words "paid for by", the name and address of  
28 the corporation, and the name and title of the  
29 corporation's chief executive officer shall appear on  
30 the material.>

31 10. Page 4, after line 9 by inserting:  
32 <h. If the published material is the result of an  
33 independent expenditure subject to section 68A.404, the  
34 published material shall include a statement that the  
35 published material was not authorized by any candidate,  
36 candidate's committee, or ballot issue committee.>

37 11. Page 6, after line 26 by inserting:  
38 <Sec. \_\_. EMERGENCY RULES. The board shall adopt  
39 emergency rules under section 17A.4, subsection 3,  
40 and section 17A.5, subsection 2, paragraph "b", to  
41 implement the provisions of this Act and the rules  
42 shall be effective immediately upon filing unless  
43 a later date is specified in the rules. Any rules  
44 adopted in accordance with this section shall also be  
45 published as a notice of intended action as provided  
46 in section 17A.4.

47 Sec. \_\_. EFFECTIVE UPON ENACTMENT. This Act,  
48 being deemed of immediate importance, takes effect upon  
49 enactment.>

50 12. Title page, line 3, by striking <and>

Page 4

- 1 13. Title page, line 3, after <applicable> by
- 2 inserting <, and including effective date provisions>
- 3 14. By renumbering as necessary.

JEFF DANIELSON

**S-5139**

- 1 Amend House File 758, as passed by the House, as
- 2 follows:
- 3 1. Page 1, after line 30 by inserting:
- 4 <1A. The amount of damages recoverable under
- 5 this section in a lawsuit filed against a hospital
- 6 designated as a critical access hospital pursuant to 42
- 7 U.S.C. § 1395i-4 shall not exceed one million dollars.>
- 8 2. By renumbering as necessary.

DAVID HARTSUCH

**S-5140**

- 1 Amend House File 2456, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 1, line 34, through page 2,
- 4 line 6.
- 5 2. By renumbering as necessary.

PAM JOCHUM

**S-5141**

- 1 Amend the amendment, S-5126, to Senate File 2357 as
- 2 follows:
- 3 1. Page 2, after line 47 by inserting:
- 4 <6. If a firearm, offensive weapon, or ammunition
- 5 has been transferred to a qualified person pursuant
- 6 to subsection 4 and the protective order described
- 7 in subsection 2 is no longer in effect, the firearm,
- 8 offensive weapon, or ammunition shall be returned to
- 9 the person who was subject to the protective order
- 10 within five days of that person's request to have the
- 11 firearm, offensive weapon, or ammunition returned.>
- 12 2. By renumbering as necessary.

DAVID HARTSUCH  
 JAMES A. SEYMOUR  
 JERRY BEHN  
 PAUL MCKINLEY  
 BRAD ZAUN  
 NANCY J. BOETTGER

KIM REYNOLDS  
 DAVID JOHNSON  
 LARRY NOBLE  
 PAT WARD  
 MERLIN BARTZ  
 JAMES F. HAHN

**S-5142**

- 1 Amend the amendment, S-5126, to Senate File 2357 as  
 2 follows:  
 3 1. Page 1, line 49, by striking <class "D" felony>  
 4 and inserting <simple misdemeanor>

DAVID HARTSUCH  
 JAMES A. SEYMOUR  
 JERRY BEHN  
 PAUL McKINLEY  
 BRAD ZAUN  
 NANCY J. BOETTGER  
 KIM REYNOLDS  
 DAVID JOHNSON  
 STEVE KETTERING  
 JAMES F. HAHN

**S-5143**

- 1 Amend House File 2284, as passed by the House, as  
 2 follows:  
 3 1. By striking page 1, line 25, through page 4,  
 4 line 22, and inserting:  
 5 <Sec. \_\_\_\_ Section 154.1, Code 2009, is amended by  
 6 adding the following new subsection:  
 7 NEW SUBSECTION. 5. Beginning July 1, 2012,  
 8 all licensed optometrists shall meet requirements  
 9 established by the board by rule to employ diagnostic  
 10 and therapeutic pharmaceutical agents for the practice  
 11 of optometry. All licensees practicing optometry in  
 12 this state shall have demonstrated qualifications  
 13 and obtained certification to use diagnostic and  
 14 therapeutic pharmaceutical agents as a condition of  
 15 license renewal.>  
 16 2. Page 4, by striking lines 23 through 30.  
 17 3. Page 5, by striking lines 10 through 21 and  
 18 inserting:  
 19 <2. The number of instructors for each school  
 20 shall be based upon total enrollment, with a minimum  
 21 of ~~two instructors~~ one licensed instructor employed on  
 22 a full-time basis for up to ~~thirty~~ thirty fifteen students  
 23 and an additional licensed instructor for each fifteen  
 24 additional students. ~~However, a school operated by an~~  
 25 ~~area community college prior to September 1, 1982, with~~

26 ~~only one instructor per fifteen students is not subject~~  
 27 ~~to this paragraph and may continue to operate with~~  
 28 ~~the ratio of one instructor to fifteen students. A~~  
 29 ~~student instructor shall not be used to meet licensed~~  
 30 ~~instructor to student ratios.~~>

31 4. Page 6, by striking lines 12 and 13.

32 5. Title page, by striking lines 4 and 5 and

33 inserting <and barbering licensure.>

COMMITTEE ON HUMAN RESOURCES  
 AMANDA RAGAN, Chair

### S-5144

1 Amend the amendment, S-5126, to Senate File 2357 as  
 2 follows:

3 1. Page 1, after line 30 by inserting:

4 <Sec. \_\_\_. Section 708.7, subsection 1, paragraph  
 5 a, Code Supplement 2009, is amended by adding the  
 6 following new subparagraph:

7 NEW SUBPARAGRAPH. (5) Knowingly provides false or  
 8 misleading information in order to procure a protective  
 9 order referred to in section 724.26, subsection 2. >

10 2. Page 1, line 44, after <2.> by inserting <a.>

11 3. Page 1, after line 49 by inserting:

12 <b. Except as provided in paragraph "c", a person  
 13 who knowingly provides false or misleading information  
 14 in order to procure a protective order referred to  
 15 in this subsection shall, in addition to any other  
 16 penalty, be guilty of harassment pursuant to section  
 17 708.7.

18 c. A person who knowingly provides false or  
 19 misleading information in order to procure a protective  
 20 order referred to in this subsection that results in  
 21 the deprivation of a firearm, offensive weapon, or  
 22 ammunition necessary for the person who is the subject  
 23 of the protective order to maintain the person's  
 24 livelihood and the person providing such false or  
 25 misleading information could have reasonably foreseen  
 26 the loss of the other person's livelihood shall,  
 27 in addition to any other penalty, be guilty of a  
 28 fraudulent practice in the first degree as defined in  
 29 section 714.9.>

30 4. By renumbering as necessary.

DAVID HARTSUCH

### S-5145

1 Amend House File 2197, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 1, line 9, after <Day> by inserting <

4 unless providing time off would impact public health  
 5 or safety or would cause the employer to experience  
 6 significant economic or operational disruption>  
 7 2. Page 1, line 10, after <3.> by inserting <a.>  
 8 3. Page 1, after line 16 by inserting:  
 9 <b. The employer shall, at least ten days prior  
 10 to Veterans Day, notify the employee if the employee  
 11 shall be provided paid or unpaid time off on Veterans  
 12 Day. If the employer determines that the employer is  
 13 unable to provide time off for Veterans Day for all  
 14 employees who request time off, the employer shall deny  
 15 time off to the minimum number of employees needed by  
 16 the employer to protect public health and safety or to  
 17 maintain minimum operational capacity, as applicable.>  
 18 4. By renumbering as necessary.

STEVEN J. SODDERS

**S-5146**

1 Amend Senate File 2334 as follows:  
 2 1. By striking everything after the enacting clause  
 3 and inserting:  
 4 <Section 1. STROKE TRIAGE SYSTEM AND REGISTRY —  
 5 PLAN. The department of public health, in cooperation  
 6 with the Iowa healthcare collaborative as defined in  
 7 section 135.40, and the American heart association,  
 8 shall develop a plan to implement a stroke triage  
 9 system and registry. In developing the plan,  
 10 consideration shall be given to inclusion in the stroke  
 11 triage system of facilities outside the state that are  
 12 the closest and most appropriate to provide stroke care  
 13 to Iowans residing along the state's borders. The plan  
 14 shall be submitted to the general assembly no later  
 15 than January 15, 2011.>

AMANDA RAGAN

**S-5147**

HOUSE AMENDMENT TO  
 SENATE FILE 2199

1 Amend Senate File 2199, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 7, by striking lines 18 and 19 and  
 4 inserting <opinion by an attorney licensed to practice  
 5 law in this state who has examined the abstract of  
 6 title of the land upon which the manufactured or  
 7 mobile home is situated. The opinion shall state the  
 8 names of the owners and holders of mortgages, liens,  
 9 or other encumbrances on the land upon which the  
 10 manufactured or mobile home is situated and shall note

11 the encumbrances, along with any bonds securing the  
 12 encumbrances. Utility easements shall not be construed  
 13 to be encumbrances for the purpose of this section.>

### S-5148

1 Amend Senate File 2302 as follows:  
 2 1. Page 1, line 11, after <appear.> by inserting  
 3 <The notice to the child's known grandparents shall  
 4 inform the grandparents of the opportunity to be heard  
 5 in hearings and reviews pursuant to section 232.91.  
 6 that the grandparents may petition the court for  
 7 appointment as the child's guardian or custodian or for  
 8 visitation with the child, and that the grandparents  
 9 do not have a right to counsel in connection with the  
 10 hearings and reviews unless appointed as guardian or  
 11 custodian as provided for in section 232.89.>

KEITH A. KREIMAN

### S-5149

1 Amend Senate File 2324 as follows:  
 2 1. Page 1, line 15, after <provided.> by inserting  
 3 <All notices required by this subsection shall be sent  
 4 by certified mail.>  
 5 2. Page 2, line 17, after <area.> by inserting  
 6 <An applicant or its subsidiary which has been issued  
 7 a certificate of public convenience and necessity to  
 8 provide telephone service pursuant to section 476.29  
 9 shall be exempt from the provisions of this paragraph.>  
 10 3. Page 2, by striking lines 32 through 35 and  
 11 inserting:  
 12 <3. a. The board shall not issue a certificate  
 13 of franchise authority to an applicant unless the  
 14 board finds that all of the requirements specified in  
 15 subsection 1, paragraphs "f" through "h" have been met.  
 16 b. The board may take up to an additional sixty  
 17 days, beyond the thirty-day period for issuance of  
 18 a certificate of franchise authority specified in  
 19 subsection 1, if the board determines that additional  
 20 information will be required to make a determination  
 21 regarding whether the requirements specified in  
 22 subsection 1, paragraphs "f" through "h" have been met,  
 23 and that the determination cannot be made within the  
 24 thirty-day period.  
 25 c. The board may assess an applicant not otherwise  
 26 paying a fee or assessment to the board for the costs  
 27 incurred by the board during a review of an application  
 28 and affidavit under the circumstances described in  
 29 paragraph "b", and any additional costs incurred  
 30 resulting from a contested case proceeding requested  
 31 pursuant to chapter 17A.>



32 4. By striking page 3, line 23, through page 4,  
33 line 13, and inserting:  
34 <6. a. If the holder of a certificate of franchise  
35 authority fails to commence operation of a cable system  
36 or video service network within twelve months from  
37 the date the application is granted, the board may  
38 determine that the applicant is not in compliance with  
39 the certificate of franchise authority and may revoke  
40 the certificate.  
41 b. If a certificate is revoked pursuant to this  
42 subsection, and if the franchise agreement previously  
43 in effect between an incumbent cable provider and  
44 the municipality would have remained in effect for  
45 at least a sixty-day period prior to expiration, the  
46 previous franchise agreement shall be reinstated for  
47 the duration of the previous agreement. The incumbent  
48 cable provider shall comply with the terms of the prior  
49 franchise agreement within ninety days of notification  
50 by the board. This paragraph is applicable to an

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1 incumbent cable provider who has not been issued a  
2 certificate of franchise authority pursuant to section  
3 477A.2, subsection 6, as of the effective date of this  
4 Act.  
5 7. a. In the event that an applicant granted  
6 a certificate of franchise authority subsequently  
7 ceases to engage in construction or operation of  
8 a cable system or video service network and is no  
9 longer providing service, the applicant shall notify  
10 the municipality, the board, and the incumbent cable  
11 provider on the date that construction or service is  
12 terminated.  
13 b. If the franchise agreement previously in  
14 effect between an incumbent cable provider and the  
15 municipality would have remained in effect for at  
16 least a sixty-day period prior to expiration, the  
17 previous franchise agreement shall be reinstated for  
18 the duration of the previous agreement. The incumbent  
19 cable provider shall comply with the terms of the prior  
20 franchise agreement within ninety days of notification  
21 by the applicant. This paragraph is applicable to an  
22 incumbent cable provider who has not been issued a  
23 certificate of franchise authority pursuant to section  
24 477A.2, subsection 6, as of the effective date of this  
25 Act.>

STEVE WARNSTADT

**S-5150**

- 1 Amend Senate File 2306 as follows:
- 2 1. By striking everything after the enacting clause  
3 and inserting:
- 4 <Section 1. Section 600C.1, Code 2009, is amended  
5 by striking the section and inserting in lieu thereof  
6 the following:
- 7 600C.1 Grandparent and great-grandparent visitation.
- 8 1. The grandparent or great-grandparent of a  
9 minor child may petition the court for grandchild or  
10 great-grandchild visitation when the parent of the  
11 minor child, who is the child of the grandparent or the  
12 grandchild of the great-grandparent, is deceased.
- 13 2. The court shall consider a fit parent's  
14 objections to granting visitation under this section.  
15 A rebuttable presumption arises that a fit parent's  
16 decision to deny visitation to a grandparent or  
17 great-grandparent is in the best interest of a minor  
18 child.
- 19 3. The court may grant visitation to the  
20 grandparent or great-grandparent under this section  
21 if the court finds all of the following by clear and  
22 convincing evidence:
- 23 a. It is in the best interest of the child to grant  
24 such visitation.
- 25 b. The grandparent or great-grandparent has  
26 established a substantial relationship with the child  
27 prior to the filing of the petition.
- 28 c. That the presumption that the parent who is  
29 being asked to temporarily relinquish care, custody,  
30 and control of the child to provide visitation is fit  
31 to make the decision regarding visitation is overcome  
32 by demonstrating one of the following:
- 33 (1) The parent is unfit to make such decision.
- 34 (2) The parent's judgment has been impaired and the  
35 relative benefit to the child of granting visitation  
36 greatly outweighs any effect on the parent-child  
37 relationship. Impaired judgment of a parent may be  
38 evidenced by any of the following:
- 39 (a) Neglect of the child.
- 40 (b) Abuse of the child.
- 41 (c) Violence toward the child.
- 42 (d) Indifference or absence of feeling toward the  
43 child.
- 44 (e) Demonstrated unwillingness and inability to  
45 promote the emotional and physical well-being of the  
46 child.
- 47 (f) Drug abuse.
- 48 (g) A diagnosis of mental illness.
- 49 4. In determining the best interest of the child,  
50 the court shall consider all of the following:

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- 1 a. The prior interaction and interrelationships of
- 2 the child with the child's parents, siblings, and other
- 3 persons related by consanguinity or affinity, compared
- 4 to the child's relationship with the grandparent or
- 5 great-grandparent.
- 6 b. The geographical location of the grandparent's
- 7 or great-grandparent's residence and the distance
- 8 between the grandparent's or great-grandparent's
- 9 residence and the child's residence.
- 10 c. The child's and parents' available time,
- 11 including but not limited to each parent's employment
- 12 schedule, the child's school schedule, the amount of
- 13 time that will be available for the child to spend with
- 14 siblings, and the child's and the parents' holiday and
- 15 vacation schedules.
- 16 d. The age of the child.
- 17 e. If the court has interviewed the child in
- 18 chambers as provided in this subsection regarding
- 19 the wishes and concerns of the child as to visitation
- 20 by the grandparent or great-grandparent or as to a
- 21 specific visitation schedule, the wishes and concerns
- 22 of the child, as expressed to the court.
- 23 f. The health and safety of the child.
- 24 g. The mental and physical health of all parties.
- 25 h. Whether the grandparent or great-grandparent
- 26 previously has been convicted of or pleaded guilty to
- 27 any criminal offense involving any act that resulted
- 28 in a child being an abused child or a neglected child;
- 29 whether the grandparent or great-grandparent previously
- 30 has been convicted of or pleaded guilty to a crime
- 31 involving a victim who at the time of the commission
- 32 of the offense was a member of the family or household
- 33 that is the subject of the current proceeding; and
- 34 whether there is reason to believe that the grandparent
- 35 or great-grandparent has acted in a manner resulting in
- 36 a child having ever been found to be an abused child
- 37 or a neglected child.
- 38 i. The wishes and concerns of the child's parents,
- 39 as expressed by them to the court.
- 40 j. Any other factor in the best interest of the
- 41 child.
- 42 5. For the purposes of this subsection "substantial
- 43 relationship" includes but is not limited to any of the
- 44 following:
  - 45 a. The child has lived with the grandparent or
  - 46 great-grandparent for at least six months.
  - 47 b. The grandparent or great-grandparent has
  - 48 voluntarily and in good faith supported the child
  - 49 financially in whole or in part for a period of not
  - 50 less than six months.

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1 c. The grandparent or great-grandparent has had  
2 frequent visitation including occasional overnight  
3 visitation with the child for a period of not less than  
4 one year.

5 6. If the court interviews any child concerning  
6 the child's wishes and concerns regarding parenting  
7 time or visitation, the interview shall be conducted  
8 in chambers, and only the child, the child's attorney,  
9 the judge, any necessary court personnel, and, in the  
10 judge's discretion, the attorney of each parent shall  
11 be permitted to be present in the chambers during the  
12 interview. A person shall not obtain or attempt to  
13 obtain from a child a written or recorded statement or  
14 affidavit setting forth the wishes and concerns of the  
15 child regarding parenting time or visitation.

16 7. For the purposes of this section, "court" means  
17 the district court or the juvenile court if that court  
18 currently has jurisdiction over the child in a pending  
19 action. If an action is not pending, the district  
20 court has jurisdiction.

21 8. Notwithstanding any provision of this chapter  
22 to the contrary, venue for any action to establish,  
23 enforce, or modify visitation under this section shall  
24 be in the county where either parent resides if no  
25 final custody order determination relating to the  
26 grandchild or great-grandchild has been entered by any  
27 other court. If a final custody order has been entered  
28 by any other court, venue shall be located exclusively  
29 in the county where the most recent final custody order  
30 was entered. If any other custodial proceeding is  
31 pending when an action to establish, enforce, or modify  
32 visitation under this section is filed, venue shall be  
33 located exclusively in the county where the pending  
34 custodial proceeding was filed.

35 9. Notice of any proceeding to establish, enforce,  
36 or modify visitation under this section shall be  
37 personally served upon all parents of a child whose  
38 interests are affected by a proceeding brought  
39 pursuant to this section and all grandparents or  
40 great-grandparents who have previously obtained a final  
41 order or commenced a proceeding under this section.

42 10. The court shall not enter any temporary order  
43 to establish, enforce, or modify visitation under this  
44 section.

45 11. An action brought under this section is subject  
46 to chapter 598B, and in an action brought to establish,  
47 enforce, or modify visitation under this section,  
48 each party shall submit in its first pleading or in an  
49 attached affidavit all information required by section  
50 598B.209.

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1 12. If a proceeding to establish or enforce  
 2 visitation under this section is commenced when  
 3 a dissolution of marriage proceeding is pending  
 4 concerning the parents of the affected minor child,  
 5 the record and evidence of the dissolution action  
 6 shall remain impounded pursuant to section 598.26.  
 7 The impounded information shall not be released or  
 8 otherwise made available to any person who is not the  
 9 petitioner or respondent or an attorney of record in  
 10 the dissolution of marriage proceeding. Access to the  
 11 impounded information by the attorney of record for the  
 12 grandparent or great-grandparent shall be limited to  
 13 only that information relevant to the grandparent's or  
 14 great-grandparent's request for visitation.  
 15 13. A grandparent or great-grandparent shall not  
 16 petition for visitation under this section more than  
 17 once every two years absent a showing of good cause.  
 18 14. The court shall not issue an order restricting  
 19 the movement of the child if such restriction is  
 20 solely for the purpose of allowing the grandparent  
 21 or great-grandparent the opportunity to exercise the  
 22 grandparent's or great-grandparent's visitation under  
 23 this section.>

KEITH A. KREIMAN

### S-5151

- 1 Amend Senate File 2252 as follows:  
 2 1. By striking page 1, line 5, through page 3, line  
 3 2.  
 4 2. By striking page 5, line 27, through page 6,  
 5 line 15.  
 6 3. By renumbering as necessary.

KEITH A. KREIMAN

### S-5152

- 1 Amend Senate File 2356 as follows:  
 2 1. By striking page 11, line 15, through page 21,  
 3 line 26, and inserting:  
 4 <Sec. \_\_\_\_ NEW SECTION. 505.32 Iowa insurance  
 5 information exchange.  
 6 1. Purposes. The purposes of this section include  
 7 but are not limited to providing an information  
 8 clearinghouse where all Iowans can obtain information  
 9 about health care coverage that is available in the  
 10 state including comparisons of benefits, premiums, and  
 11 out-of-pocket costs and where the uninsured can receive

12 assistance regarding health care coverage.  
 13 2. Definitions. As used in this section, unless  
 14 the context otherwise requires:  
 15 a. "Board" means the advisory board of the Iowa  
 16 insurance information exchange.  
 17 b. "Carrier" means an insurer providing accident  
 18 and sickness insurance under chapter 509, 514, or  
 19 514A and includes a health maintenance organization  
 20 established under chapter 514B if payments received  
 21 by the health maintenance organization are considered  
 22 premiums pursuant to section 514B.31 and are taxed  
 23 under chapter 432. "Carrier" also includes a  
 24 corporation which becomes a mutual insurer pursuant  
 25 to section 514.23 and any other person as defined in  
 26 section 4.1, who is or may become liable for the tax  
 27 imposed by chapter 432.  
 28 c. "Commissioner" means the commissioner of  
 29 insurance.  
 30 d. "Creditable coverage" means the same as defined  
 31 in section 513B.2.  
 32 e. "Exchange" means the Iowa insurance information  
 33 exchange.  
 34 f. "Group health plan" means the same as defined in  
 35 section 513B.2.  
 36 g. "Health care services" means services, the  
 37 coverage of which is authorized under chapter 509, 514,  
 38 514A, or 514B and includes services for the purposes  
 39 of preventing, alleviating, curing, or healing human  
 40 illness, injury, or physical disability.  
 41 h. "Health insurance" means accident and sickness  
 42 insurance authorized by chapter 509, 514, or 514A.  
 43 i. (1) "Health insurance coverage" means health  
 44 insurance coverage offered to individuals.  
 45 (2) "Health insurance coverage" does not include any  
 46 of the following:  
 47 (a) Coverage for accident-only or disability income  
 48 insurance.  
 49 (b) Coverage issued as a supplement to liability  
 50 insurance.

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1 (c) Liability insurance, including general  
 2 liability insurance and automobile liability insurance.  
 3 (d) Workers' compensation or similar insurance.  
 4 (e) Automobile medical-payment insurance.  
 5 (f) Credit-only insurance.  
 6 (g) Coverage for on-site medical clinic care.  
 7 (h) Other similar insurance coverage, specified in  
 8 federal regulations, under which benefits for medical  
 9 care are secondary or incidental to other insurance  
 10 coverage or benefits.

11 (3) "Health insurance coverage" does not include  
12 benefits provided under a separate policy as follows:

- 13 (a) Limited-scope dental or vision benefits.
- 14 (b) Benefits for long-term care, nursing home care,  
15 home health care, or community-based care.
- 16 (c) Any other similar limited benefits as provided  
17 by rule of the commissioner.

18 (4) "Health insurance coverage" does not include  
19 benefits offered as independent noncoordinated benefits  
20 as follows:

- 21 (a) Coverage only for a specified disease or  
22 illness.
- 23 (b) A hospital indemnity or other fixed indemnity  
24 insurance.

25 (5) "Health insurance coverage" does not include  
26 Medicare supplemental health insurance as defined under  
27 section 1882(g)(1) of the federal Social Security Act,  
28 coverage supplemental to the coverage provided under  
29 10 U.S.C. ch. 55 and similar supplemental coverage  
30 provided to coverage under group health insurance  
31 coverage.

32 j. "Medical assistance program" means the  
33 federal-state assistance program established under Tit.  
34 XIX of the federal Social Security Act and chapter  
35 249A.

36 k. "Medicare" means the federal government health  
37 insurance program established under Tit. XVIII of the  
38 federal Social Security Act.

39 l. "Organized delivery system" means an organized  
40 delivery system as licensed by the director of public  
41 health.

42 3. Iowa insurance information exchange established —  
43 advisory board.

44 a. An Iowa insurance information exchange is  
45 established in the insurance division of the department  
46 of commerce under the purview of the commissioner of  
47 insurance.

48 b. The exchange shall exercise its powers in  
49 consultation with the advisory board established under  
50 this subsection.

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1 c. The advisory board of the exchange shall consist  
2 of the following members:

3 (1) The following persons who are voting members  
4 of the board appointed by the governor and subject to  
5 confirmation by the senate:

- 6 (a) A health care academic with a background in  
7 economics, law, or public health.
- 8 (b) An executive of a carrier.
- 9 (c) A health benefits manager of a company.

10 (d) A health care analyst representing a public or  
11 private employee bargaining unit.

12 (e) A health care analyst representing an organized  
13 consumer group.

14 (f) A health care provider.

15 (g) An insurance agent.

16 (2) The following persons who are ex officio,  
17 nonvoting members of the board:

18 (a) The commissioner of insurance, or a designee.

19 (b) The Iowa Medicaid director, or a designee.

20 (c) Four members of the general assembly,  
21 one appointed by the speaker of the house of  
22 representatives, one appointed by the minority leader  
23 of the house of representatives, one appointed by the  
24 majority leader of the senate, and one appointed by the  
25 minority leader of the senate.

26 d. Each member of the board appointed by the  
27 governor shall be a resident of this state and the  
28 composition of voting members of the board shall be in  
29 compliance with sections 69.16, 69.16A, and 69.16C.

30 e. The voting members of the board shall be  
31 appointed for terms of six years beginning and ending  
32 as provided in section 69.19. A member of the board is  
33 eligible for reappointment. The governor shall fill  
34 a vacancy for the remainder of the unexpired term. A  
35 member of the board may be removed by the governor for  
36 misfeasance, malfeasance, or willful neglect of duty or  
37 other cause after notice and a public hearing unless  
38 the notice and hearing are waived by the member in  
39 writing.

40 f. The voting members of the board shall annually  
41 elect one of the members as chairperson and one as vice  
42 chairperson.

43 g. A majority of the voting members of the board  
44 constitutes a quorum. The affirmative vote of a  
45 majority of the voting members is necessary for any  
46 action taken by the board. The majority shall not  
47 include a member who has a conflict of interest and  
48 a statement by a member of a conflict of interest is  
49 conclusive for this purpose. A vacancy in the voting  
50 membership of the board does not impair the right of a

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1 quorum to exercise the rights and perform the duties  
2 of the board. An action taken by the board under this  
3 section may be authorized by resolution at a regular  
4 or special meeting and each resolution may take effect  
5 immediately and need not be published or posted.  
6 Meetings of the board shall be held at the call of the  
7 chairperson or at the request of a majority of the  
8 voting members.



- 9 h. Members of the board may be reimbursed from the  
10 moneys of the exchange for expenses incurred by them as  
11 members, but shall not be otherwise compensated by the  
12 exchange for their services.
- 13 i. The members of the board are subject to and are  
14 officials within the meaning of chapter 68B.
- 15 j. The board shall consult with and provide  
16 recommendations to assist the commissioner in carrying  
17 out the powers and duties of the exchange set forth in  
18 subsection 5.
- 19 k. The commissioner shall provide administrative  
20 and technical support to the board in carrying out its  
21 duties under this section.
- 22 4. Plan of operation.
- 23 a. The commissioner, in consultation with the  
24 board, shall establish a plan of operation for the  
25 exchange that assures the fair, reasonable, and  
26 equitable administration of the exchange, within ninety  
27 days after the appointment of the board. In addition  
28 to other requirements, the plan of operation shall  
29 provide for all of the following:
- 30 (1) The handling and accounting of assets and  
31 moneys of the exchange.
- 32 (2) The amount and method of reimbursing expenses  
33 of the members of the board.
- 34 (3) Regular times and places for meetings of the  
35 board.
- 36 (4) Records to be kept of all financial  
37 transactions, and an annual fiscal report of the costs  
38 of administering the exchange to be delivered to the  
39 general assembly by December 15 of each year.
- 40 (5) The periodic advertising of the general  
41 availability of health coverage information and  
42 assistance from the exchange.
- 43 (6) Additional provisions necessary or proper for  
44 the execution of the powers and duties of the exchange.
- 45 b. The exchange has the general powers and  
46 authority enumerated by this subsection and pursuant  
47 to subsection 5 and executed in accordance with the  
48 plan of operation established by the commissioner under  
49 paragraph "a".
- 50 c. The exchange shall develop and implement the

Page 5

- 1 plan of operation and corresponding timeline detailing  
2 action steps toward implementing this section, by  
3 rules adopted pursuant to chapter 17A as provided in  
4 subsection 6.
- 5 5. Powers and duties of exchange.
- 6 a. The exchange shall develop a system that  
7 provides a portal where uninsured Iowans can receive

8 assistance in how to obtain public or private health  
9 care coverage. The department of human services shall  
10 determine the eligibility of uninsured Iowans for  
11 public programs and provide assistance with enrollment  
12 in the appropriate public programs. The exchange shall  
13 provide assistance with how to obtain private health  
14 insurance coverage that meets certain standards of  
15 quality and affordability to uninsured Iowans who are  
16 not eligible for or do not wish to enroll in public  
17 programs. The exchange, in consultation with the  
18 board, shall develop a methodology to create a seamless  
19 system that allows individuals to move between public  
20 and private health care coverage, including increasing  
21 opportunities for obtaining creditable coverage.

22 b. The exchange shall establish three categories  
23 of benefits including basic or catastrophic benefits,  
24 an intermediate level of benefits, and comprehensive  
25 benefits coverage, that meet affordability limits  
26 established pursuant to 2009 Iowa Acts ch. 118, section  
27 1, subsection 4, paragraph "c".

28 c. (1) The exchange shall establish an information  
29 clearinghouse to provide information to all Iowans  
30 about all public and private health care coverage that  
31 is available in the state including comparisons of  
32 benefits, premiums, and out-of-pocket costs.

33 (2) The exchange may establish standards to provide  
34 uniform and consistent information about the health  
35 care coverage options offered by each carrier and  
36 public program that includes but is not limited to  
37 what benefits are covered and not covered, the amount  
38 of coverage for each service, including copays and  
39 deductibles, and any prior authorization requirements  
40 for coverage.

41 (3) The exchange may require each carrier,  
42 organized delivery system, and public program to  
43 categorize and describe the category of benefits to  
44 which each health care coverage option offered by a  
45 carrier, organized delivery system, or public program  
46 belongs as set forth in paragraph "b".

47 (4) The exchange shall provide ongoing information  
48 to taxpayers about the costs of public health care  
49 programs to the state, including the percentage and  
50 source of state and federal funding for the programs.

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1 (5) The exchange may provide counseling to assist  
2 Iowans with making an informed choice when selecting  
3 health care coverage.

4 d. The exchange shall encourage or develop the use  
5 of common definitions for quality of care and pricing  
6 of health care services and develop and implement

7 methodologies that provide quality and cost data on  
8 health care services and health care coverage offered  
9 in the state that is meaningful to consumers, patients,  
10 and purchasers.

11 e. The commissioner may hire independent  
12 consultants, as deemed necessary, to assist in carrying  
13 out the powers and duties of the exchange.

14 f. The exchange shall collaborate with, including  
15 but not limited to the board, the department of human  
16 services, the department of public health, health care  
17 providers, members of an organized consumer-purchaser  
18 group, members of the Iowa collaborative safety net  
19 provider network, and carriers to carry out the duties  
20 of the exchange including dissemination of information  
21 about the services offered by the exchange to the  
22 public.

23 6. Rules. The commissioner shall adopt rules  
24 pursuant to chapter 17A to implement the provisions of  
25 this section.

26 7. Iowa insurance information exchange fund created.

27 a. An Iowa insurance information exchange fund is  
28 created in the state treasury as a separate fund under  
29 the control of the exchange. All moneys appropriated  
30 or transferred to the fund shall be credited to the  
31 fund. All moneys deposited or paid into the fund shall  
32 only be appropriated to the exchange to be used for the  
33 purposes set forth in this section.

34 b. Notwithstanding section 8.33, any balance in  
35 the fund on June 30 of each fiscal year shall not  
36 revert to the general fund of the state, but shall be  
37 available for purposes of this section in subsequent  
38 fiscal years. Notwithstanding section 12C.7, interest  
39 earnings on moneys in the fund shall be credited to the  
40 fund.

41 Sec. \_\_\_\_ INITIAL MEMBERS OF ADVISORY BOARD OF  
42 THE IOWA INSURANCE INFORMATION EXCHANGE. The initial  
43 voting members of the advisory board of the Iowa  
44 insurance information exchange shall be appointed  
45 within thirty days after the effective date of this  
46 division of this Act.>

47 2. By renumbering as necessary.

JACK HATCH  
RICH OLIVE

### S-5153

1 Amend Senate File 2306 as follows:

2 1. By striking everything after the enacting clause  
3 and inserting:

4 <Section 1. Section 600C.1, Code 2009, is amended  
5 by striking the section and inserting in lieu thereof

6 the following:  
7 600C.1 Grandparent and great-grandparent visitation.  
8 1. The grandparent or great-grandparent of a  
9 minor child may petition the court for grandchild or  
10 great-grandchild visitation when the parent of the  
11 minor child, who is the child of the grandparent or the  
12 grandchild of the great-grandparent, is deceased.  
13 2. The court shall consider a fit parent's  
14 objections to granting visitation under this section.  
15 A rebuttable presumption arises that a fit parent's  
16 decision to deny visitation to a grandparent or  
17 great-grandparent is in the best interest of a minor  
18 child.  
19 3. The court may grant visitation to the  
20 grandparent or great-grandparent under this section  
21 if the court finds all of the following by clear and  
22 convincing evidence:  
23 a. It is in the best interest of the child to grant  
24 such visitation.  
25 b. The grandparent or great-grandparent has  
26 established a substantial relationship with the child  
27 prior to the filing of the petition.  
28 c. That the presumption that the parent who is  
29 being asked to temporarily relinquish care, custody,  
30 and control of the child to provide visitation is fit  
31 to make the decision regarding visitation is overcome  
32 by demonstrating one of the following:  
33 (1) The parent is unfit to make such decision.  
34 (2) The parent's judgment has been impaired and the  
35 relative benefit to the child of granting visitation  
36 greatly outweighs any effect on the parent-child  
37 relationship. Impaired judgment of a parent may be  
38 evidenced by any of, but not limited to, the following:  
39 (a) Neglect of the child.  
40 (b) Abuse of the child.  
41 (c) Violence toward the child.  
42 (d) Indifference or absence of feeling toward the  
43 child.  
44 (e) Demonstrated unwillingness and inability to  
45 promote the emotional and physical well-being of the  
46 child.  
47 (f) Drug abuse.  
48 (g) A diagnosis of mental illness.  
49 4. In determining the best interest of the child,  
50 the court shall consider all of the following:

Page 2

1 a. The prior interaction and interrelationships of  
2 the child with the child's parents, siblings, and other  
3 persons related by consanguinity or affinity, compared  
4 to the child's relationship with the grandparent or

- 5 great-grandparent.
- 6 b. The geographical location of the grandparent's  
7 or great-grandparent's residence and the distance  
8 between the grandparent's or great-grandparent's  
9 residence and the child's residence.
- 10 c. The child's and parent's available time,  
11 including but not limited to the parent's employment  
12 schedule, the child's school schedule, the amount of  
13 time that will be available for the child to spend with  
14 siblings, and the child's and the parent's holiday and  
15 vacation schedules.
- 16 d. The age of the child.
- 17 e. If the court has interviewed the child in  
18 chambers as provided in this section regarding the  
19 wishes and concerns of the child as to visitation  
20 by the grandparent or great-grandparent or as to a  
21 specific visitation schedule, the wishes and concerns  
22 of the child, as expressed to the court.
- 23 f. The health and safety of the child.
- 24 g. The mental and physical health of all parties.
- 25 h. Whether the grandparent or great-grandparent  
26 previously has been convicted of or pleaded guilty to  
27 any criminal offense involving any act that resulted  
28 in a child being an abused child or a neglected child;  
29 whether the grandparent or great-grandparent previously  
30 has been convicted of or pleaded guilty to a crime  
31 involving a victim who at the time of the commission  
32 of the offense was a member of the family or household  
33 that is the subject of the current proceeding; and  
34 whether there is reason to believe that the grandparent  
35 or great-grandparent has acted in a manner resulting in  
36 a child having ever been found to be an abused child  
37 or a neglected child.
- 38 i. The wishes and concerns of the child's parent,  
39 as expressed by the parent to the court.
- 40 j. Any other factor in the best interest of the  
41 child.
- 42 5. For the purposes of this subsection "substantial  
43 relationship" includes but is not limited to any of the  
44 following:
- 45 a. The child has lived with the grandparent or  
46 great-grandparent for at least six months.
- 47 b. The grandparent or great-grandparent has  
48 voluntarily and in good faith supported the child  
49 financially in whole or in part for a period of not  
50 less than six months.

Page 3

- 1 c. The grandparent or great-grandparent has had  
2 frequent visitation including occasional overnight  
3 visitation with the child for a period of not less than

4 one year.  
5 6. If the court interviews any child concerning  
6 the child's wishes and concerns regarding parenting  
7 time or visitation, the interview shall be conducted  
8 in chambers, and only the child, the child's attorney,  
9 the judge, any necessary court personnel, and, in the  
10 judge's discretion, the attorney of the parent shall  
11 be permitted to be present in the chambers during the  
12 interview. A person shall not obtain or attempt to  
13 obtain from a child a written or recorded statement or  
14 affidavit setting forth the wishes and concerns of the  
15 child regarding parenting time or visitation.

16 7. For the purposes of this section, "court" means  
17 the district court or the juvenile court if that court  
18 currently has jurisdiction over the child in a pending  
19 action. If an action is not pending, the district  
20 court has jurisdiction.

21 8. Notwithstanding any provision of this chapter  
22 to the contrary, venue for any action to establish,  
23 enforce, or modify visitation under this section shall  
24 be in the county where the child resides if no final  
25 custody order determination relating to the grandchild  
26 or great-grandchild has been entered by any other  
27 court. If a final custody order has been entered by  
28 any other court, venue shall be located exclusively in  
29 the county where the most recent final custody order  
30 was entered. If any other custodial proceeding is  
31 pending when an action to establish, enforce, or modify  
32 visitation under this section is filed, venue shall be  
33 located exclusively in the county where the pending  
34 custodial proceeding was filed.

35 9. Notice of any proceeding to establish, enforce,  
36 or modify visitation under this section shall be  
37 personally served upon the parent of the child  
38 whose interests are affected by a proceeding brought  
39 pursuant to this section and all grandparents or  
40 great-grandparents who have previously obtained a final  
41 order or commenced a proceeding under this section.

42 10. The court shall not enter any temporary order  
43 to establish, enforce, or modify visitation under this  
44 section.

45 11. An action brought under this section is subject  
46 to chapter 598B, and in an action brought to establish,  
47 enforce, or modify visitation under this section,  
48 each party shall submit in its first pleading or in an  
49 attached affidavit all information required by section  
50 598B.209.

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1 12. A grandparent or great-grandparent shall not  
2 petition for visitation under this section more than

3 once every two years absent a showing of good cause.  
4 13. The court shall not issue an order restricting  
5 the movement of the child if such restriction is  
6 solely for the purpose of allowing the grandparent  
7 or great-grandparent the opportunity to exercise the  
8 grandparent's or great-grandparent's visitation under  
9 this section.>

KEITH A. KREIMAN

### S-5154

1 Amend Senate File 2354 as follows:  
2 1. Page 4, line 33, after <company,> by inserting  
3 <union,>  
4 2. Page 5, line 2, after <union,> by inserting  
5 <union,>  
6 3. Page 5, line 8, after <union,> by inserting  
7 <union,>  
8 4. Page 5, line 11, after <union,> by inserting  
9 <union,>  
10 5. Page 5, line 23, after <union,> by inserting  
11 <union,>  
12 6. Page 5, line 27, after <union,> by inserting  
13 <union,>  
14 7. Page 6, after line 21 by inserting:  
15 Sec. \_\_\_\_ Section 68A.701, Code 2009, is amended to  
16 read as follows:  
17 68A.701 Penalty.  
18 Any person who willfully violates any provisions  
19 of this chapter shall ~~upon conviction, be guilty of~~  
20 ~~a serious misdemeanor~~ be subject to a fine of five  
21 hundred dollars.  
22 8. By renumbering as necessary.

DAVID HARTSUCH

### S-5155

1 Amend the amendment, S-5138, to Senate File 2354,  
2 as follows:  
3 1. Page 3, by striking lines 22 and 23 and  
4 inserting:  
5 <\_\_\_\_. Page 2, by striking lines 22 through 26.>  
6 2. By renumbering as necessary.

DAVID HARTSUCH

**S-5156**

- 1 Amend the amendment, S-5126, to Senate File 2357 as  
 2 follows:  
 3 1. Page 1, line 44, after <2.> by inserting <a. >  
 4 2. Page 1, line 45, after < 922(g)(8) > by inserting  
 5 <and who has had the opportunity to receive a trial by  
 6 jury>  
 7 3. Page 1, after line 49 by inserting:  
 8 <b. A person who is subject to a protective order  
 9 under paragraph "a" shall be afforded the opportunity  
 10 to challenge the factual basis for the entry of the  
 11 protective order.>  
 12 4. By renumbering as necessary.

DAVID HARTSUCH

**S-5157**

- 1 Amend the amendment, S-5122, to Senate File 2316 as  
 2 follows:  
 3 1. Page 1, line 2, by striking <11> and inserting  
 4 <19>  
 5 2. Page 1, after line 4 by inserting:  
 6 <\_\_. Page 1, line 28, after <practices> by  
 7 inserting <or other comparable management practices>>  
 8 3. Page 2, after line 2 by inserting:  
 9 <\_\_. Page 7, line 6, by striking <department of  
 10 natural resources and the>>  
 11 4. By renumbering as necessary.

ROBERT M. HOGG

**S-5158**

- 1 Amend the amendment, S-5152, to Senate File 2356 as  
 2 follows:  
 3 1. Page 5, line 17, after <with the> by inserting  
 4 <department of human services and the>

JACK HATCH

**S-5159**

- 1 Amend the House amendment, S-5072, to Senate File  
 2 2088, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. By striking page 1, line 3, through page 22,  
 5 line 31, and inserting:  
 6 <\_\_. Page 1, after line 31 by inserting:  
 7 <Oe. Network services, including equipment and



8 software which support local area networks, campus  
 9 area networks, wide area networks, and metro area  
 10 networks. Network services also include data network  
 11 services such as routers, switches, firewalls, virtual  
 12 private networks, intrusion detection systems, access  
 13 control, internet protocol load balancers, event  
 14 logging and correlation, and content caching. Network  
 15 services do not include services provided by the Iowa  
 16 communications network pursuant to chapter 8D or by  
 17 the public broadcasting division of the department of  
 18 education.>

19 \_\_\_\_ Page 2, line 25, after <appointment.> by  
 20 inserting <The chief information officer position is  
 21 attached to the department of management.>

22 \_\_\_\_ Page 3, line 19, after <acquisition> by  
 23 inserting <, utilization, or provision>

24 \_\_\_\_ Page 3, line 27, after <Whether the> by  
 25 inserting <failure to grant a>

26 \_\_\_\_ Page 4, after line 12 by inserting:  
 27 <(7) Whether the failure to grant a waiver would  
 28 jeopardize federal funding.>

29 \_\_\_\_ Page 4, after line 30 by inserting:  
 30 <d. A participating agency may appeal the decision  
 31 of the chief information officer to the director within  
 32 seven calendar days following the decision of the chief  
 33 information officer. The director, after consultation  
 34 with the technology advisory council, shall respond  
 35 within fourteen days following the receipt of the  
 36 appeal.>

37 \_\_\_\_ Page 4, after line 30 by inserting:  
 38 <e. The department of public defense, including  
 39 both the military division and the homeland security  
 40 and emergency management division, shall not be  
 41 required to obtain any information technology services  
 42 pursuant to this subchapter for the department of  
 43 public defense or its divisions that is provided by the  
 44 department pursuant to this chapter without the consent  
 45 of the adjutant general.>

46 \_\_\_\_ Page 7, line 10, by striking <or other  
 47 agencies>

48 \_\_\_\_ Page 7, after line 25 by inserting:  
 49 <g. Encourage participating agencies to utilize  
 50 a print on demand strategy to reduce publication

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1 overruns, excessive inventory, and obsolete printed  
 2 materials. >>

3 2. Page 22, after line 46 by inserting:

4 <\_\_\_\_ Page 35, line 29, after <agencies> by  
 5 inserting <,except the department of public safety,>>

6 3. Page 30, after line 3 by inserting:

7 <Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT. This division  
8 of this Act, being deemed of immediate importance,  
9 takes effect upon enactment. >>

10 4. Page 36, line 4, after <state.> by inserting <A  
11 member of the state board shall not be a provider of  
12 services or other entity receiving funding through the  
13 early childhood Iowa initiative or be employed by such  
14 a provider or other entity.>

15 5. Page 37, line 30, by striking <and data> and  
16 inserting <and data reporting requirements, applicable  
17 statewide,>

18 6. Page 37, by striking lines 32 and 33 and  
19 inserting <boards. The data from common performance  
20 measures and other data shall be posted on the early  
21 childhood Iowa internet site and disseminated by other  
22 means and shall also be aggregated to provide statewide  
23 information.>

24 7. Page 38, line 8, by striking <If> and inserting  
25 <Subject to the funding requirements and other  
26 requirements established in law, if>

27 8. Page 38, line 9, by striking <shall> and  
28 inserting <may>

29 9. Page 38, line 11, by striking <may> and  
30 inserting <shall>

31 10. Page 39, lines 6 and 7, by striking  
32 <coordination center> and inserting <Iowa office>

33 11. Page 39, line 7, by striking <center> and  
34 inserting <staff>

35 12. Page 39, line 13, by striking <Adopt> and  
36 inserting <Except for the fiscal oversight measures to  
37 be adopted by the department, adopt>

38 13. Page 39, line 33, by striking <measurer> and  
39 inserting <measures>

40 14. Page 39, line 44, by striking <center> and  
41 inserting <staff>

42 15. By striking page 39, line 45, through page 40,  
43 line 18, and inserting:

44 <1. The department shall provide administrative  
45 support for implementation of the early childhood Iowa  
46 initiative and for the state board. The department  
47 shall adopt rules in consultation with the state board  
48 to provide fiscal oversight of the initiative. The  
49 fiscal oversight measures adopted shall include but are  
50 not limited to all of the following:

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1 a. Reporting and other requirements to address the  
2 financial activities employed by area boards.

3 b. Regular audits and other requirements of fiscal  
4 agents for area boards.

5 c. Requirements for area boards to undertake

6 and report on fiscal and performance reviews of the  
7 programs, contracts, services, and other functions  
8 funded by the area boards.

9 2. An early childhood Iowa office is established in  
10 the department to provide leadership for facilitation,  
11 communication, and coordination for the early childhood  
12 Iowa initiative activities and funding and for  
13 improvement of the early care, education, health,  
14 and human services systems. An administrator for the  
15 early childhood Iowa office shall be appointed by the  
16 director of the department. Other staff may also be  
17 designated, subject to appropriation made for this  
18 purpose.>

19 16. Page 40, line 22, by striking <center> and  
20 inserting <office>

21 17. Page 40, line 26, by striking <center> and  
22 inserting <office>

23 18. Page 40, line 28, by striking <center> and  
24 inserting <office>

25 19. Page 41, line 8, by striking <center> and  
26 inserting <office>

27 20. Page 42, line 2, by striking <A majority of  
28 the> and inserting <The>

29 21. Page 42, by striking lines 41 through 44 and  
30 inserting:

31 <a. Designate a public agency of this state, as  
32 defined in section 28E.2, a community action agency  
33 as defined in section 216A.91, an area education  
34 agency established under section 273.2, or a nonprofit  
35 corporation, to be the fiscal agent for grant moneys  
36 and for other moneys administered by the area board.>

37 22. Page 44, line 48, after <visitation.> by  
38 inserting <Of the funding from all sources that an area  
39 board designates for family support programs, at least  
40 sixty percent shall be committed to programs with a  
41 home visitation component.>

42 23. Page 45, line 20, by striking <may request> and  
43 inserting <shall require>

44 24. Page 45, lines 38 and 39, by striking <evaluate  
45 the funding flexibility> and inserting <funding  
46 amounts>

47 25. Page 45, line 43, by striking <Experience or  
48 other evidence> and inserting <Evidence>

49 26. Page 46, line 29, after <use.> by inserting  
50 <The information shall include data from the indicators

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1 of success and performance measures adopted by the  
2 state board and fiscal information and other data  
3 developed by the department.>

4 27. Page 47, line 6, after <account> by inserting

5 <are appropriated to and>  
6 28. Page 47, line 11, by striking <five> and  
7 inserting <three>  
8 29. Page 47, line 16, by striking <management> and  
9 inserting <human services>  
10 30. Page 47, by striking lines 17 through 19 and  
11 inserting <credited to the account are appropriated to  
12 and shall be distributed by the department of human  
13 services>  
14 31. Page 47, line 40, by striking <early childhood  
15 coordination center> and inserting <department of human  
16 services>  
17 32. Page 48, after line 25 by inserting:  
18 <Sec. \_\_\_\_ NEW SECTION. 256I.12 Early childhood  
19 stakeholders alliance.  
20 1. Alliance created. An early childhood  
21 stakeholders alliance is created to support the  
22 state board in addressing the early care, health,  
23 and education systems that affect children ages zero  
24 through five in Iowa.  
25 2. Purpose. The purpose of the early childhood  
26 stakeholders alliance is to oversee and provide broad  
27 input into the development of a high quality Iowa early  
28 childhood system that meets the needs of children zero  
29 through age five and their families and integrates  
30 the early care, health, and education systems. The  
31 alliance shall advise the governor, general assembly,  
32 state board, and other public and private policy bodies  
33 and service providers in coordinating activities  
34 throughout the state to fulfill its purpose.  
35 3. Vision statement. All system development  
36 activities addressed by the early childhood  
37 stakeholders alliance shall be aligned around the  
38 following vision statement for the children of  
39 Iowa: "Every child, beginning at birth, will be  
40 healthy and successful."  
41 4. Membership. The early childhood stakeholders  
42 alliance membership shall include a representative  
43 of any organization that touches the lives of young  
44 children in the state zero through age five, has  
45 endorsed the purpose and vision statement for the  
46 alliance, has endorsed the guiding principles adopted  
47 by the alliance for the early childhood system, and  
48 has formally asked to be a member and remains actively  
49 engaged in alliance activities. The alliance shall  
50 work to ensure there is geographic, cultural, and

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1 ethnic diversity among the membership.  
2 5. Procedure. Except as otherwise provided by  
3 law, the early childhood stakeholders alliance shall

4 determine its own rules of procedure and operating  
5 provisions.

6 6. Steering committee. The early childhood  
7 stakeholders alliance shall operate with a steering  
8 committee to organize, manage, and coordinate the  
9 activities of the alliance and its component groups.  
10 The steering committee may act on behalf of the  
11 alliance as necessary. The steering committee  
12 membership shall consist of the co-chairpersons of  
13 the alliance's component groups, the administrator of  
14 the early childhood Iowa office, and other leaders  
15 designated by the alliance.

16 7. Component groups. The early childhood  
17 stakeholders alliance shall maintain component groups  
18 to address the key components of the Iowa early  
19 childhood system. Each component group shall have one  
20 private and one public agency co-chairperson. The  
21 alliance may change the component groups as deemed  
22 necessary by the alliance. Initially, there shall be a  
23 component group for each of the following:

24 a. Governance planning and administration.  
25 b. Professional development.  
26 c. Public engagement.  
27 d. Quality services and programs.  
28 e. Resources and funding.  
29 f. Results accountability.

30 8. Duties. The early childhood stakeholders  
31 alliance duties shall include but are not limited to  
32 all of the following regarding the Iowa early childhood  
33 system:

34 a. Coordinate with the early childhood Iowa state  
35 board.  
36 b. Serve as the state advisory council required  
37 under the federal Improving Head Start for School  
38 Readiness Act of 2007, Pub. L. No. 110-134, as  
39 designated by the governor.

40 9. Staffing. Staff support for the early childhood  
41 stakeholders alliance shall be provided by the  
42 department.>

43 33. By striking page 49, line 34, through page 53,  
44 line 14.

45 34. Page 53, line 38, by striking <coordination  
46 center> and inserting <Iowa office>

47 35. Page 54, line 32, by striking <coordination  
48 center> and inserting <Iowa office>

49 36. Page 55, lines 14 and 15, by striking  
50 <coordination center> and inserting <Iowa office>

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1 37. Page 56, line 41, by striking <coordination  
2 center> and inserting <Iowa office>

3 38. Page 56, line 48, by striking <coordination  
4 center> and inserting <Iowa office>

5 39. Page 57, line 28, by striking <Chapter> and  
6 inserting:

7 <1. Sections 135.173 and 135.174, Code 2009, are  
8 repealed.

9 2. Chapter>

10 40. Page 58, after line 15 by inserting:

11 <4. The department of management and the early  
12 childhood Iowa board shall implement requirements  
13 for school ready children grant funds or other state,  
14 federal, or other funds in possession of a community  
15 empowerment area remaining unobligated or unexpended to  
16 be remitted to the successor early childhood Iowa area  
17 board designated to serve that area. The requirements  
18 shall include measures to ensure there is continuity  
19 of services in the transition from the community  
20 empowerment initiative to the early childhood Iowa  
21 initiative.>

22 41. By striking page 58, line 19, through page 59,  
23 line 42, and inserting:

24 <Sec. \_\_\_\_ DEPARTMENT OF EDUCATION — COMMUNITY  
25 COLLEGE ACCREDITATION RECOMMENDATIONS IMPLEMENTATION  
26 REVIEW. The department of education shall review and  
27 evaluate the implementation of the recommendations  
28 submitted on January 22, 2010, by the community college  
29 accreditation advisory committee in its final report to  
30 the general assembly. The department shall submit its  
31 findings and recommendations to the general assembly on  
32 or before December 31, 2010.

33 Sec. \_\_\_\_ DEPARTMENT OF EDUCATION — COMMUNITY  
34 COLLEGE ACCREDITATION ADVISORY COMMITTEE —  
35 INSTRUCTIONAL HOURS STUDY. The department of education  
36 shall convene a working group, whose members shall  
37 include at a minimum the members of the community  
38 college accreditation advisory committee and the  
39 community college faculty advisory committee. The  
40 working group shall solicit comments from each of the  
41 community college quality faculty committees. The  
42 working group shall study the maximum academic credit  
43 hour per school term workload appropriate for an  
44 instructor beyond the standard workload. The working  
45 group shall submit its findings and recommendations to  
46 the state board of education and the general assembly  
47 on or before December 31, 2010.

48 Sec. \_\_\_\_ COMMUNITY COLLEGE ACADEMIC WORKLOAD  
49 EXCEPTION — FISCAL YEAR 2010–2011. Notwithstanding  
50 section 260C.48, subsection 2, a faculty member who

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1 has in previous fiscal years exceeded the eighteen  
 2 credit hour standard set pursuant to section 260C.48,  
 3 subsection 2, may continue to exceed the eighteen  
 4 credit hour workload standard for the 2010–2011 fiscal  
 5 year if the faculty member elects to teach beyond the  
 6 eighteen credit hour workload standard.>  
 7 42. Page 90, after line 30 by inserting:  
 8 <\_\_. Page 251, line 6, by striking <October> and  
 9 inserting <July>  
 10 \_\_. Page 251, line 6, after <and> by inserting <by  
 11 January 1, 2011,>  
 12 \_\_. Page 251, after line 10 by inserting:  
 13 <Sec. \_\_. EFFECTIVE UPON ENACTMENT. The section  
 14 of this division of this Act concerning correctional  
 15 facility closure, being deemed of immediate importance,  
 16 takes effect upon enactment. >>  
 17 43. By renumbering as necessary.

STACI APPEL

## S-5160

1 Amend Senate File 2337 as follows:  
 2 1. By striking everything after the enacting clause  
 3 and inserting:  
 4 <Section 1. NEW SECTION. 91F.1 Title.  
 5 This chapter shall be known as the “Healthy and Safe  
 6 Families and Workplaces Act”.  
 7 Sec. 2. NEW SECTION. 91F.2 Definitions.  
 8 1. “Commissioner” means the labor commissioner,  
 9 appointed pursuant to section 91.2.  
 10 2. “Domestic abuse assault” means as defined in  
 11 section 708.2A.  
 12 3. “Employee” means as defined in section 91A.2.  
 13 4. “Employer” means as defined in section 91A.2.  
 14 5. “Family member” means any of the following:  
 15 a. An employee’s spouse or domestic partner.  
 16 b. A child or foster child; stepchild; legal ward;  
 17 a child of a domestic partner; or a child to whom the  
 18 employee stands in loco parentis.  
 19 c. A parent or foster parent; stepparent; legal  
 20 guardian; or a person who stood in loco parentis to the  
 21 employee when the employee was a minor child.  
 22 d. A grandparent or spouse or domestic partner of a  
 23 grandparent.  
 24 e. A grandchild.  
 25 f. A sibling or foster sibling; stepsibling;  
 26 or spouse or domestic partner of a sibling, foster  
 27 sibling, or stepsibling.  
 28 g. Any other individual related to the employee

29 by blood or affinity whose close association with the  
30 employee is the equivalent of a familial relationship.

31 6. "Health care professional" means as defined in  
32 section 135.157.

33 7. "Paid sick and safe time" means time that is  
34 compensated at the same hourly rate and with the  
35 same benefits, including health care benefits, as the  
36 employee normally earns during hours worked and is  
37 provided by an employer to an employee for the purposes  
38 described in section 91F.4, but in no instance shall  
39 the hourly wage be less than that provided in section  
40 91D.1.

41 8. "Retaliatory personnel action" means the  
42 discharge, suspension, or demotion of, or any other  
43 adverse action taken by an employer against, an  
44 employee.

45 9. "Sexual abuse" means as defined in section  
46 709.1.

47 10. "Stalking" means as defined in section 708.11.

48 Sec. 3. NEW SECTION. 91F.3 Accrual — paid sick  
49 and safe time.

50 1. An employee who works for compensation for an

Page 2

1 employer shall have the right to accrue and use paid  
2 sick and safe time for each hour the employee works for  
3 the employer as provided in this chapter.

4 2. a. An employee shall accrue a minimum of one  
5 hundred sixteen ten-thousandths of an hour of paid sick  
6 and safe time for each hour worked for the employer.

7 An employee who works two thousand eighty hours in a  
8 calendar year shall accrue approximately twenty-four  
9 hours of paid sick and safe time. An employer may set  
10 a higher accrual rate for paid sick and safe time.

11 b. (1) An employee may accrue up to twenty-four  
12 hours of paid sick and safe time in a calendar year,  
13 unless the employer selects a higher limit.

14 (2) An employee shall not carry over more than  
15 eight hours of accrued paid sick and safe time to the  
16 following calendar year, unless the employer selects  
17 a higher limit.

18 3. Employees who are exempt from overtime  
19 requirements under 29 U.S.C. § 213(a)(1) of the federal  
20 Fair Labor Standards Act of 1938 are deemed to work  
21 forty hours in each work week for purposes of paid sick  
22 and safe time accrual unless their normal work week is  
23 less than forty hours, in which case paid sick and safe  
24 time accrues based upon that normal work week.

25 4. Paid sick and safe time as provided in this  
26 section shall begin to accrue upon the commencement of  
27 employment for new employees and for existing employees



28 beginning July 1, 2010.

29 5. a. A new employee may use accrued paid sick  
30 and safe time beginning on the sixtieth calendar day  
31 following commencement of the employee's employment.  
32 On and after the sixtieth calendar day of employment,  
33 an employee may use accrued paid sick and safe time and  
34 accruing paid sick and safe time as it accrues.

35 b. Existing employees may use paid sick and safe  
36 time as it accrues pursuant to this chapter.

37 6. An employer with a paid leave policy who makes  
38 available an amount of paid leave sufficient to meet  
39 the accrual requirements of this section that may  
40 be used for the same purposes and under the same  
41 conditions as paid sick and safe time under this  
42 chapter is not required to provide additional paid sick  
43 and safe time.

44 7. Nothing in this section shall be construed  
45 as requiring financial or other reimbursement to  
46 an employee from an employer upon the employee's  
47 termination, resignation, retirement, or other  
48 separation from employment for accrued paid sick and  
49 safe time that has not been used.

50 8. a. If an employee is transferred to a separate

Page 3

1 division, entity, or location, but remains employed by  
2 the same employer, the employee is entitled to all paid  
3 sick and safe time previously accrued; is entitled to  
4 immediately use all accrued paid sick and safe time as  
5 provided in this chapter; and shall continue to accrue  
6 paid sick and safe time at the same rate or higher as  
7 before the transfer.

8 b. When there is a separation from employment and  
9 the employee is rehired within three months of the  
10 separation by the same employer, previously accrued  
11 paid sick and safe time that had not been used prior to  
12 the separation shall be reinstated. The employee may  
13 use such accrued paid sick and safe time immediately  
14 upon rehire, and paid sick and safe time shall begin to  
15 accrue immediately upon rehire.

16 9. At the employer's discretion, the employer may  
17 advance paid sick and safe time to an employee ahead of  
18 accrual of such time by the employee.

19 Sec. 4. NEW SECTION. 91F.4 Use — paid sick and  
20 safe time.

21 1. Paid sick and safe time shall be provided to an  
22 employee by an employer for the following purposes:

23 a. An employee's mental or physical illness,  
24 injury, or health condition; an employee's need for  
25 medical diagnosis, care, or treatment of a mental or  
26 physical illness, injury, or health condition; an

27 employee's need for preventive medical care.  
28 b. An employee's need to care for a family member  
29 with a mental or physical illness, injury, or health  
30 condition; an employee's need to care for a family  
31 member who needs medical diagnosis, care, or treatment  
32 of a mental or physical illness, injury, or health  
33 condition; an employee's need to care for a family  
34 member who needs preventive medical care.  
35 c. (1) Closure of the employee's place of work  
36 by order of a public official due to a public health  
37 emergency unless such time off shall be made up as  
38 agreed to in a contract or collective bargaining  
39 agreement between the employer and employee, or is  
40 otherwise required by law.  
41 (2) An employee's need to care for a family member  
42 whose school or place of care has been closed by order  
43 of a public official due to a public health emergency.  
44 (3) An employee's need to care for a family member  
45 when public health authorities or a health care  
46 professional has determined that the family member's  
47 presence in the community jeopardizes the health of  
48 others because of the family member's exposure to  
49 communicable disease, whether or not the family member  
50 has actually contracted the communicable disease.

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1 d. An employee's need to be absent from work due  
2 to domestic abuse assault, sexual abuse, or stalking,  
3 provided the leave from work is to do one or more of  
4 the following:  
5 (1) Seek medical attention for the employee or  
6 family member to recover from physical or psychological  
7 injury or disability caused by domestic abuse assault  
8 or sexual abuse.  
9 (2) Obtain services from a victim services  
10 organization.  
11 (3) Obtain psychological or other counseling.  
12 (4) Seek relocation due to the domestic abuse  
13 assault, sexual abuse, or stalking.  
14 (5) Take legal action, including preparing for or  
15 participating in any civil or criminal legal proceeding  
16 related to or resulting from the domestic abuse  
17 assault, sexual abuse, or stalking.  
18 2. Paid sick and safe time shall be allowed upon  
19 the oral request of an employee. When possible, the  
20 employee shall include the expected duration of the  
21 employee's absence.  
22 3. When the use of paid sick and safe time is  
23 foreseeable, the employee shall make a good faith  
24 effort to provide notice of the need for such time to  
25 the employer in advance of the use of the paid sick and

26 safe time, and the employee shall make a reasonable  
27 effort to schedule the use of paid sick and safe time  
28 in a manner that does not unduly disrupt the operations  
29 of the employer.

30 4. Accrued paid sick and safe time may be used  
31 in the smaller of hourly increments or the smallest  
32 increment that the employer's payroll system uses to  
33 account for absences or use of other time.

34 5. a. An employer may require reasonable  
35 documentation that paid sick and safe time is for the  
36 purposes described in subsection 1.

37 (1) Documentation signed by a health care  
38 professional indicating that sick time is necessary  
39 shall be considered reasonable documentation.

40 (2) A police report indicating that the employee  
41 was a victim of domestic abuse assault, sexual abuse,  
42 or stalking; a court order; or a signed statement  
43 from a victim and witness advocate affirming that  
44 the employee is involved in legal action related to  
45 domestic abuse assault, sexual abuse, or stalking shall  
46 be considered reasonable documentation.

47 b. An employer may not require that the  
48 documentation explain the nature of the medical reason  
49 or the details of the domestic abuse, sexual abuse, or  
50 stalking.

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1 c. (1) If an employer chooses to require  
2 documentation for use of paid sick time and the  
3 employee does not have health insurance, the employer  
4 is responsible for paying all out-of-pocket expenses  
5 the employee incurs in obtaining the documentation.

6 (2) If the employee does have health insurance, the  
7 employer is responsible for paying any costs charged to  
8 the employee by the health care provider for providing  
9 the specific documentation required by the employer.

10 6. An employer shall not require as a condition of  
11 allowing paid sick and safe time under this chapter  
12 that the employee search for or find a replacement  
13 worker to cover the hours during which the employee  
14 will be using paid sick and safe time.

15 Sec. 5. NEW SECTION. 91F.5 Exercise of rights —  
16 retaliation prohibited.

17 1. An employer or any other person shall not  
18 interfere with, restrain, or deny the exercise of, or  
19 the attempt to exercise, any right protected under this  
20 chapter.

21 2. An employer shall not take retaliatory personnel  
22 action or discriminate against an employee because the  
23 employee has exercised rights protected under this  
24 chapter. Such rights include but are not limited to

25 the following:

- 26 a. The right to use paid sick and safe time
- 27 pursuant to this chapter.
- 28 b. The right to file a complaint or inform any
- 29 person about any employer's alleged violation of this
- 30 chapter.
- 31 c. The right to cooperate with the commissioner
- 32 in any investigation of alleged violations of this
- 33 chapter.
- 34 d. The right to inform any person of the person's
- 35 potential rights under this chapter.
- 36 3. An employer's absence control policy shall not
- 37 count paid sick and safe time taken pursuant to this
- 38 chapter as an absence that may lead to or result in
- 39 discipline, discharge, demotion, suspension, or any
- 40 other adverse action.
- 41 4. The protections of this section shall apply to
- 42 any person who mistakenly but in good faith alleges
- 43 violations of this section.
- 44 5. There is a rebuttable presumption of retaliation
- 45 under this section whenever an employer takes adverse
- 46 action against an employee within ninety days of when
- 47 that employee has done any of the following:
- 48 a. Filed a complaint with the commissioner or a
- 49 court alleging a violation of any provision of this
- 50 chapter.

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- 1 b. Informed any person about an employer's alleged
- 2 violation of this chapter.
- 3 c. Cooperated with the commissioner or others in an
- 4 investigation or prosecution of any alleged violation
- 5 of this chapter.
- 6 d. Opposed any policy, practice, or act that is
- 7 unlawful under this chapter.
- 8 e. Informed any person of the person's potential
- 9 rights under this chapter.
- 10 Sec. 6. NEW SECTION. 91F.6 Notice and posting.
- 11 1. An employer shall give notice to employees of
- 12 the following:
- 13 a. Employees are entitled to paid sick and safe
- 14 time.
- 15 b. The accrual amounts of paid sick and safe time.
- 16 c. The terms of use of paid sick and safe time
- 17 guaranteed under this chapter.
- 18 d. The prohibition against retaliation against
- 19 employees who request or use paid sick and safe time.
- 20 e. Each employee has the right to file a complaint
- 21 or bring a civil action if paid sick and safe time as
- 22 required by this chapter is denied by the employer, or
- 23 the employee is retaliated against for requesting or

24 taking paid sick and safe time.

25 2. a. An employer may comply with this section by  
26 supplying each employee with a notice in English, and  
27 in any language that is the first language spoken by at  
28 least five percent of the employer's workforce, that  
29 contains the information described in subsection 1.

30 b. (1) An employer may comply with this section  
31 by displaying a poster in a conspicuous and accessible  
32 place in each establishment where such employees  
33 are employed which contains in English, and in any  
34 language that is the first language spoken by at least  
35 five percent of the employer's workforce, all the  
36 information required in subsection 1.

37 (2) The commissioner shall create and make  
38 available to employers posters that contain the  
39 information required in subsection 1 in English and in  
40 any language that the employer informs the commissioner  
41 that more than five percent of the employer's workforce  
42 speaks as a first language.

43 3. An employer who willfully violates the notice  
44 and posting requirements of this section shall be  
45 subject to a civil fine in an amount not to exceed one  
46 hundred dollars for each separate offense.

47 Sec. 7. NEW SECTION. 91F.7 Damages recoverable by  
48 an employee.

49 In an action by an employee against the employee's  
50 employer or former employer for an alleged violation of

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1 this chapter, when it has been shown that the employer  
2 has intentionally failed to provide paid sick and safe  
3 time to the employee in violation of this chapter or  
4 failed to allow the employee to use accrued paid sick  
5 and safe time as provided by this chapter, the employer  
6 shall be liable to the employee for the monetary value  
7 of the owed paid sick and safe time, plus liquidated  
8 damages for failure to allow the employee to use  
9 accrued paid sick and safe time, court costs, and any  
10 attorney fees incurred in the civil action.

11 Sec. 8. NEW SECTION. 91F.8 Employer records.

12 1. An employer shall retain records documenting  
13 hours worked by employees and paid sick and safe time  
14 taken by employees, for a period of five years.

15 2. An employer shall allow the commissioner  
16 access to such records, with notice and at a mutually  
17 agreeable time, to monitor compliance with the  
18 requirements of this chapter.

19 3. If an issue arises as to an employee's  
20 entitlement to paid sick and safe time under this  
21 chapter and the employer does not maintain or retain  
22 adequate records according to this section or does not

23 allow the commissioner access to such records, the  
24 commissioner or other investigating authority shall  
25 presume that the employer has violated this chapter,  
26 absent clear and convincing evidence otherwise.  
27 Sec. 9. NEW SECTION. 91F.9 Enforcement.  
28 1. Upon the written complaint of the employee  
29 involved, the commissioner may determine whether  
30 to investigate if an employer has violated any  
31 provision of this chapter. The commissioner shall keep  
32 confidential, to the extent permitted by applicable  
33 law, the name of and other indentifying information  
34 about the employee reporting the alleged violation.  
35 However, the commissioner, with the authorization of  
36 the complaining employee, may disclose the employee's  
37 name and other information as necessary to enforce this  
38 chapter or for other appropriate purposes.  
39 2. If for any reason the commissioner makes a  
40 determination not to investigate, the commissioner  
41 shall notify the complaining employee within  
42 fourteen days of receipt of the complaint. The  
43 commissioner shall otherwise notify the employee of  
44 the determination to investigate within a reasonable  
45 time. If it is determined that there is an enforceable  
46 claim, the commissioner, with the consent of the  
47 complaining employee and with the assistance of the  
48 office of the attorney general if the commissioner  
49 requests such assistance, shall, unless a settlement  
50 is reached, commence a civil action in any court of

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1 competent jurisdiction to recover for the benefit of  
2 any employee any paid sick and safe time claims that  
3 have been assigned to the commissioner for recovery.  
4 The commissioner may also request reasonable and  
5 necessary attorney fees. With the consent of the  
6 assigning employee, the commissioner may also settle a  
7 claim on behalf of the assigning employee.  
8 3. Proceedings under this section that precede  
9 commencement of a civil action shall be conducted  
10 informally without any party having a right to be heard  
11 before the commissioner. The commissioner may join  
12 various assignments in one claim for the purpose of  
13 settling or litigating their claims.  
14 4. The provisions of subsections 1 and 2 shall  
15 not be construed to prevent an employee from settling  
16 or bringing an action for damages under section 91F.7  
17 if the employee has not assigned the claim under  
18 subsection 1.  
19 5. Any recovery of attorney fees, in the case of  
20 actions brought under this section by the commissioner,  
21 shall be remitted by the commissioner to the treasurer

22 of state for deposit in the general fund of the state.  
23 The commissioner shall not be required to pay any  
24 filing fee or other court costs.  
25 Sec. 10. NEW SECTION. 91F.10 Confidentiality and  
26 nondisclosure.  
27 1. An employer may not require disclosure of  
28 details relating to domestic abuse assault, sexual  
29 abuse, or stalking, or the details of an employee's  
30 medical condition or that of a family member as a  
31 condition of allowing paid sick and safe time under  
32 this chapter.  
33 2. If an employer possesses health information  
34 or information pertaining to domestic abuse assault,  
35 sexual abuse, or stalking about an employee or an  
36 employee's family member, such information shall be  
37 treated as confidential and not disclosed except to the  
38 affected employee or with the written permission of the  
39 affected employee.  
40 Sec. 11. NEW SECTION. 91F.11 Other sick and safe  
41 time policies — legal requirements.  
42 1. Nothing in this chapter shall be construed to  
43 discourage or prohibit an employer from the adoption or  
44 retention of a paid sick and safe time policy that is  
45 more generous than that provided in this chapter.  
46 2. Nothing in this chapter shall be construed as  
47 diminishing the obligation of an employer to comply  
48 with any contract, collective bargaining agreement,  
49 employment benefit plan, or other agreement that  
50 provides more generous paid sick and safe time to an

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1 employee than required in this chapter.  
2 3. Nothing in this chapter shall be construed as  
3 diminishing the rights of public employees regarding  
4 paid sick and safe time or the use of paid sick and  
5 safe time as provided by state law.  
6 4. This chapter provides minimum requirements  
7 pertaining to paid sick and safe time and shall not  
8 be construed to preempt, limit, or otherwise affect  
9 the applicability of any other law, regulation,  
10 requirement, policy, or standard that provides for  
11 greater accrual or use by employees of sick and safe  
12 time, whether paid or unpaid, or that extends other  
13 protections to employees.  
14 Sec. 12. Section 91.4, subsection 5, Code 2009, is  
15 amended to read as follows:  
16 5. The director of the department of workforce  
17 development, in consultation with the labor  
18 commissioner, shall, at the time provided by law,  
19 make an annual report to the governor setting forth  
20 in appropriate form the business and expense of the

21 division of labor services for the preceding year,  
 22 the number of disputes or violations processed by  
 23 the division and the disposition of the disputes  
 24 or violations, and other matters pertaining to the  
 25 division which are of public interest, together with  
 26 recommendations for change or amendment of the laws  
 27 in this chapter and chapters 88, 88A, 88B, 89, 89A,  
 28 89B, 90A, 91A, 91C, 91D, 91E, 91F, 92, and 94A, and  
 29 section 85.68, and the recommendations, if any, shall  
 30 be transmitted by the governor to the first general  
 31 assembly in session after the report is filed.

32 Sec. 13. APPLICABILITY. Notwithstanding section 14  
 33 of this Act relating to applicability of this Act on  
 34 or after the effective date of this Act, this Act does  
 35 not apply to employees under a contract or collective  
 36 bargaining agreement that was in effect on or before  
 37 the effective date of this Act.

38 Sec. 14. APPLICABILITY. This Act applies to all  
 39 existing employees on and after the effective date of  
 40 this Act and to all new employees hired on or after  
 41 that date.>

42 2. By renumbering as necessary.

THOMAS G. COURTNEY

### S-5161

- 1 Amend the amendment, S-5159, to the House amendment,
- 2 S-5072, to Senate File 2088, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 2, by striking lines 33 and 34 .
- 5 2. By renumbering as necessary.

STACI APPEL

### S-5162

#### HOUSE AMENDMENT TO SENATE FILE 2067

- 1 Amend Senate File 2067, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, lines 23 and 24, by striking
- 4 <subsections 5 and 9, Code Supplement 2009, are> and
- 5 inserting <subsection 5, Code Supplement 2009, is>
- 6 2. Page 2, by striking lines 3 through 11.



**S-5163**HOUSE AMENDMENT TO  
SENATE FILE 2345

- 1 Amend Senate File 2345 as follows:
- 2 1. Page 4, after line 9 by inserting:
- 3 <Sec. \_\_\_\_ Section 633.20, subsection 3, Code 2009,
- 4 is amended to read as follows:
- 5 3. A person appointed as an associate probate
- 6 judge shall have jurisdiction to audit accounts of
- 7 fiduciaries and to perform ministerial duties as
- 8 a referee provided in this section and shall have
- 9 additional jurisdiction to perform the judicial
- 10 functions as the court prescribes provided in section
- 11 633.20D.
- 12 Sec. \_\_\_\_ NEW SECTION. 633.20D Associate probate
- 13 judge — jurisdiction — appeals.
- 14 1. An associate probate judge shall have
- 15 the same jurisdiction to conduct probate court
- 16 proceedings, to issue no-contact or protective orders,
- 17 injunctions, contempt orders for adults in probate
- 18 court proceedings, and to issue orders, findings, and
- 19 decisions as the judge of the probate court. However,
- 20 the chief judge may limit the exercise of probate court
- 21 jurisdiction by the associate probate judge.
- 22 2. The parties to a proceeding heard by an
- 23 associate probate judge are entitled to appeal the
- 24 order, finding, or decision of an associate probate
- 25 judge, in the manner of an appeal from orders,
- 26 findings, or decisions of district court judges. An
- 27 appeal does not automatically stay the order, finding,
- 28 or decision of an associate probate judge.>
- 29 2. Page 4, after line 9 by inserting:
- 30 <Sec. \_\_\_\_ Section 665.7, Code 2009, is amended to
- 31 read as follows:
- 32 665.7 Notice to show cause.
- 33 Before punishing for contempt, unless the offender
- 34 is already in the presence of the court, the offender
- 35 must be served personally with ~~a rule~~ an order to
- 36 show cause against the punishment, and a reasonable
- 37 time given the offender therefor; or the offender may
- 38 be brought before the court forthwith, or on a given
- 39 day, by warrant, if necessary. In either case the
- 40 offender may, at the offender's option, make a written
- 41 explanation of the offender's conduct under oath, which
- 42 must be filed and preserved.>
- 43 3. By renumbering as necessary.

**S-5164**

- 1 Amend Senate File 2356 as follows:

- 2 1. Page 3, by striking lines 16 through 19 and  
3 inserting:  
4 <a. (1) The individual is not eligible for health  
5 care coverage under any other public program, with the  
6 exception of coverage through the Iowa comprehensive  
7 health insurance association pursuant to chapter 514E.  
8 (2) The individual is not eligible for health care  
9 coverage through group or individual health insurance.  
10 (3) Health care coverage offered to the individual  
11 through group or individual health insurance is not  
12 affordable as specified in section 217A.7.>  
13 2. Page 3, by striking lines 25 through 28 and  
14 inserting <which the individual is eligible or the  
15 individual has not had individual health insurance  
16 coverage in the last six months.>  
17 3. Page 4, by striking line 27.  
18 4. Page 5, line 8, after <135.153> by inserting  
19 <that meet the requirements for medical homes developed  
20 pursuant to this section>  
21 5. Page 5, line 21, after <shall> by inserting  
22 <develop a methodology to>  
23 6. Page 5, line 31, after <5.> by inserting  
24 <IowaCare plus member services provided to members by  
25 providers included in the regional provider network  
26 shall be payable at the full benefit recipient rates.>  
27 7. Page 5, line 34, by striking <1.>  
28 8. Page 6, line 8, after <"c."> by inserting  
29 <Premiums collected pursuant to this section shall be  
30 deposited in the IowaCare plus trust fund created in  
31 section 217A.8.>  
32 9. Page 6, after line 8 by inserting:  
33 <2. Each IowaCare plus member may be eligible  
34 for premium assistance as specified by rule of the  
35 department.>  
36 10. Page 6, by striking lines 9 through 21 and  
37 inserting:  
38 <Sec. \_\_. NEW SECTION. 217A.7A Coverage  
39 options — eligible individuals.  
40 1. If an eligible individual is eligible for  
41 premium assistance under section 217A.7, the department  
42 shall require, that prior to provision of coverage  
43 through the IowaCare plus program, the eligible  
44 individual provides proof that the eligible individual  
45 is unable to obtain individual or group coverage  
46 that is affordable as specified in section 217A.7 as  
47 follows:  
48 a. In the individual market, even if the program  
49 pays the individual share of the annual premium up  
50 to the amount that the program would subsidize the

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1 eligible individual through the program.

2 b. If the individual has access to health care  
3 coverage through the individual's employer, for which  
4 coverage the employer pays at least fifty percent of  
5 the annual premium cost, even if the program pays the  
6 employee share of the annual premium up to the amount  
7 the program would subsidize the individual through the  
8 program.

9 2. If an eligible individual provides proof that  
10 the eligible individual is unable to obtain individual  
11 or group coverage as specified in subsection 1, the  
12 eligible individual may obtain coverage under the  
13 program.

14 3. The department shall adopt rules to implement  
15 this section, including the documentation necessary for  
16 an eligible individual to provide proof of inability  
17 to obtain coverage.>

18 11. Page 7, line 10, after <of> by inserting  
19 <federal>

20 12. Page 7, by striking lines 12 through 14.

21 13. Page 7, line 31, after <centers> and inserting  
22 <or federally qualified health center look-alikes in  
23 the state>

24 14. Page 8, after line 15 by inserting:

25 <(5) Notwithstanding any provision to the contrary,  
26 the department shall develop a methodology to reimburse  
27 regional provider network participating providers  
28 designated under this subsection.>

29 15. Page 8, by striking lines 24 through 26 and  
30 inserting <appropriated on an annual basis, the  
31 hospital and the university of Iowa hospitals and  
32 clinics shall remain the only expansion population  
33 providers for the residents of such county.>

34 16. Page 8, by striking lines 27 through 30 and  
35 inserting:

36 <2. Expansion population services provided to  
37 expansion population members by providers included in  
38 the expansion population provider network the publicly  
39 owned acute care teaching hospital located in a county  
40 with a population over three hundred fifty thousand and  
41 the university of Iowa hospitals and clinics shall be  
42 payable at the full benefit recipient rates.>

43 17. By striking page 9, line 14, through page 10,  
44 line 1, and inserting:

45 <6. The department shall utilize certified public  
46 expenditures at the university of Iowa hospitals and  
47 clinics to maximize the availability of state funding  
48 to provide necessary access to both local primary  
49 and specialty physician care to expansion population  
50 members. The resulting savings to the state shall be

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1 utilized to reimburse physician services provided to  
 2 expansion population members at the university of Iowa  
 3 college of medicine. to reimburse providers designated  
 4 to participate in the regional provider network for  
 5 services provided to expansion population members,  
 6 and for deposit in the nonparticipating provider  
 7 reimbursement fund created in section 249J.24A to be  
 8 used in accordance with the purposes and requirements  
 9 of the fund.>

10 18. Page 10, after line 4 by inserting:

11 <Sec. \_\_\_\_ Section 249J.24A, Code Supplement 2009,  
 12 is amended by adding the following new subsection:

13 NEW SUBSECTION. 5. Notwithstanding any provision  
 14 to the contrary, moneys in the fund may also be used  
 15 in accordance with the methodology developed by the  
 16 department for reimbursement of nonparticipating  
 17 providers in the IowaCare plus program's regional  
 18 provider network established pursuant to section  
 19 217A.6. However, prioritization in allocation  
 20 of moneys within the fund shall be to provide  
 21 reimbursement to nonparticipating providers as defined  
 22 in this section.>

23 19. By renumbering as necessary.

JACK HATCH  
 RICH OLIVE

## S-5165

1 Amend Senate File 2354 as follows:

2 1. Page 1, by striking lines 12 and 13 and  
 3 inserting <expenditure. shall obtain the approval of  
 4 shareholders whose holdings represent a majority of the  
 5 corporation's outstanding shares for any independent  
 6 expenditure>

7 2. Page 1, line 15, after <services.> by inserting  
 8 <This approval shall not include any vote made by proxy  
 9 and is required for each individual candidate to be  
 10 supported or opposed, for each ballot measure, and for  
 11 the amount of the independent expenditure.

12 a. The approval ballot shall identify the total  
 13 amount of the expenditure for each candidate and each  
 14 ballot measure and allow each shareholder to opt out of  
 15 participating in the expenditure for each candidate or  
 16 ballot measure.

17 b. If a particular expenditure is approved by a  
 18 vote representing a majority of the outstanding shares,  
 19 the amount of that expenditure shall be reduced by the  
 20 percent of the shares voted against the expenditure as  
 21 a fraction of the total shares voted. That portion of

22 the expenditure shall be paid over to the dissenting  
 23 shareholders, on a per-share basis.  
 24 c. An equity-owning trust or investment fund of  
 25 the state or any unit of local government, including  
 26 foundations associated with any of the regents  
 27 institutions and any affiliated foundations eligible  
 28 for state tax credits for donations shall always vote  
 29 against any proposed political expenditure of any  
 30 corporation in which they hold stock and shall exercise  
 31 the option to opt out of all such expenditures.>

HERMAN C. QUIRMBACH

**S-5166**

1 Amend Senate File 2290 as follows:  
 2 1. Page 1, after line 20 by inserting:  
 3 <c. This subsection shall only be utilized by  
 4 a school district if the department of management  
 5 determines that the district has an assessed property  
 6 tax valuation per pupil below the statewide average  
 7 assessed property tax valuation per pupil.>

STEVE WARNSTADT

**S-5167**

1 Amend Senate File 2290 as follows:  
 2 1. Page 1, after line 20 by inserting:  
 3 <c. This subsection shall only be utilized by  
 4 a school district if the department of management  
 5 determines that the rate of property tax levied by the  
 6 district per one thousand dollars of assessed valuation  
 7 for school funding purposes exceeds the statewide  
 8 average rate of property tax levied by school districts  
 9 per one thousand dollars of assessed valuation for  
 10 school funding purposes.>

STEVE WARNSTADT

**S-5168**

1 Amend Senate File 2356 as follows:  
 2 1. By striking page 1, line 1, through page 7, line  
 3 14, and inserting:  
 4 <DIVISION I  
 5 PREMIUM ASSISTANCE PROGRAM AND IOWACARE PROGRAM CHANGES  
 6 Section 1. PREMIUM ASSISTANCE PROGRAM — STUDY —  
 7 REPORT. The legislative council is requested  
 8 to establish an interim study committee to evaluate  
 9 options for establishing a premium assistance program  
 10 to provide health care coverage to individuals

11 nineteen through sixty-four years of age who have  
 12 family incomes above two hundred percent but not  
 13 in excess of three hundred percent of the federal  
 14 poverty level. The committee shall be comprised of  
 15 members representing the interests of Iowa insurers,  
 16 independent insurance agents, large and small  
 17 employers, health care providers, and consumers. In  
 18 addition, the commissioner of insurance, director of  
 19 human services, and director of public health, or a  
 20 designee of each, shall act as ex officio, nonvoting  
 21 members of the committee. The committee shall submit a  
 22 report, including its findings and recommendations, to  
 23 the general assembly by December 15, 2010.>  
 24 2. Title page, lines 1 and 2, by striking <creating  
 25 an IowaCare plus program and> and inserting <providing  
 26 for options for health care coverage including a  
 27 premium assistance program study and IowaCare program  
 28 changes and creating>

TOM RIELLY

**S-5169**

- 1 Amend Senate File 2290 as follows:  
 2 1. Page 1, after line 20 by inserting:  
 3 <c. This subsection shall only be implemented in  
 4 any school budget year in which the regular program  
 5 foundation base pursuant to section 257.1 is one  
 6 hundred percent.>  
 7 2. Page 2, by striking lines 11 and 12.  
 8 3. Title page, line 2, by striking <effective date>  
 9 and inserting <contingent implementation>

STEVE WARNSTADT

**S-5170**

- 1 Amend Senate File 2197 as follows:  
 2 1. Page 1, after line 9 by inserting:  
 3 <Sec. \_\_\_\_ Section 728.5, Code 2009, is amended to  
 4 read as follows:  
 5 728.5 Public indecent exposure in certain  
 6 establishments.  
 7 1. An owner, manager, or person who exercises  
 8 direct control over a place of business required to  
 9 obtain a sales tax permit shall be guilty of a serious  
 10 misdemeanor under any of the following circumstances:  
 11 ~~4.~~ a. If such person allows or permits the actual  
 12 or simulated public performance of any sex act upon or  
 13 in such place of business.  
 14 ~~2.~~ b. If such person allows or permits the  
 15 exposure of the genitals or buttocks or female breast

16 of any person who acts as a waiter or waitress.  
 17 ~~3. c.~~ If such person allows or permits the  
 18 exposure of the genitals or female breast nipple of any  
 19 person who acts as an entertainer, whether or not the  
 20 owner of the place of business in which the activity  
 21 is performed employs or pays any compensation to such  
 22 person to perform such activity.  
 23 ~~4. d.~~ If such person allows or permits any person  
 24 to remain in or upon the place of business who exposes  
 25 to public view the person's genitals, pubic hair, or  
 26 anus.  
 27 ~~5. e.~~ If such person advertises that any activity  
 28 prohibited by this section is allowed or permitted in  
 29 such place of business.  
 30 ~~6. f.~~ If such person allows or permits a minor to  
 31 engage in or otherwise perform in a live act intended  
 32 to arouse or satisfy the sexual desires or appeal to  
 33 the prurient interests of patrons.  
 34 2. However, if such person allows or permits a  
 35 minor to participate in any act included in ~~subsections~~  
 36 ~~1 through 4~~ subsection 1, paragraphs "a" through  
 37 "d", the person shall be guilty of an aggravated  
 38 misdemeanor.  
 39 3. ~~The~~ Except for subsection 1, paragraph "f",  
 40 the provisions of this section shall not apply to  
 41 a theater, concert hall, art center, museum, or  
 42 similar establishment which is primarily devoted to  
 43 the arts or theatrical performances and in which any  
 44 of the circumstances contained in this section were  
 45 permitted or allowed as part of such art exhibits or  
 46 performances.>  
 47 2. Title page, by striking lines 1 through 3 and  
 48 inserting <An Act relating to the enforcement of  
 49 criminal law provisions including providing false  
 50 identification information and public indecent exposure

Page 2

- 1 and providing penalties.>
- 2 3. By renumbering as necessary.

KEITH A. KREIMAN

## S-5171

- 1 Amend Senate File 2364 as follows:
- 2 1. Page 2, before line 7 by inserting:
- 3 <Sec.     . NEW SECTION. 422.12G Joint income tax
- 4 refund checkoff for veterans trust fund and volunteer
- 5 fire fighter preparedness fund.
- 6 1. A person who files an individual or a joint
- 7 income tax return with the department of revenue under

8 section 422.13 may designate one dollar or more to  
9 be paid jointly to the veterans trust fund created  
10 in section 35A.13 and to the volunteer fire fighter  
11 preparedness fund created in section 100B.13. If the  
12 refund due on the return or the payment remitted with  
13 the return is insufficient to pay the additional amount  
14 designated by the taxpayer, the amount designated  
15 shall be reduced to the remaining amount of refund or  
16 the remaining amount remitted with the return. The  
17 designation of a contribution under this section is  
18 irrevocable.

19 2. The director of revenue shall draft the income  
20 tax form to allow the designation of contributions  
21 to the veterans trust fund and to the volunteer fire  
22 fighter preparedness fund as one checkoff on the  
23 tax return. The department of revenue, on or before  
24 January 31, shall transfer one-half of the total  
25 amount designated on the tax return forms due in the  
26 preceding calendar year to the veterans trust fund and  
27 the remaining one-half to the volunteer fire fighter  
28 preparedness fund. However, before a checkoff pursuant  
29 to this section shall be permitted, all liabilities on  
30 the books of the department of administrative services  
31 and accounts identified as owing under section 8A.504  
32 and the political contribution allowed under section  
33 68A.601 shall be satisfied.

34 3. The department of revenue shall adopt rules to  
35 administer this section.

36 4. This section is subject to repeal under section  
37 422.12E.

38 Sec. \_\_\_\_ REPEAL. Section 422.12L, Code 2009, is  
39 repealed.>

40 2. Title page, by striking lines 1 through 3 and  
41 inserting <An Act relating to income tax checkoffs for  
42 the child abuse prevention program fund, the veterans  
43 trust fund, and the volunteer fire fighter preparedness  
44 fund and including retroactive applicability  
45 provisions.>

46 3. By renumbering as necessary.

JEFF DANIELSON  
TOM HANCOCK

## S-5172

1 Amend House File 2294, as passed by the House, as  
2 follows:

3 1. Page 1, line 6, by striking <administered> and  
4 inserting <developed>



5 2. Page 1, line 7, after <services> by inserting  
6 <and administered locally within the designated  
7 disaster area>

COMMITTEE ON REBUILD IOWA  
ROBERT M. HOGG, Chair

### S-5173

1 Amend the amendment, S-5138, to Senate File 2354 as  
2 follows:  
3 1. By striking page 1, line 38, through page 2,  
4 line 10, and inserting:  
5 <2. a. An entity, other than an individual or  
6 individuals, shall not make an independent expenditure  
7 or disburse funds from its treasury to pay for, in  
8 whole or in part, an independent expenditure made by  
9 another person without authorization, by a majority  
10 vote of the individuals eligible to elect a board of  
11 directors, executive council, or similar organizational  
12 leadership body, of the use of treasury funds for an  
13 independent expenditure involving a candidate or ballot  
14 issue committee. Such authorization must occur in the  
15 same calendar year in which the independent expenditure  
16 is incurred.  
17 An entity that does not elect a board of directors,  
18 executive council, or similar organizational leadership  
19 body shall not make an independent expenditure, or  
20 disburse funds from its treasury to pay for, in whole  
21 or in part, an independent expenditure made by another  
22 person without express authorization by an individual,  
23 board, council, or similar leadership body with  
24 authority to expend the entity's funds.  
25 b. Such authorization shall expressly provide  
26 whether the board of directors, executive council, or  
27 similar organizational leadership body is authorized  
28 by its eligible voters, if any, to make one or more  
29 independent expenditures that expressly advocate the  
30 nomination or election of a candidate or passage of  
31 a ballot issue or is authorized to make one or more  
32 independent expenditures that expressly advocate the  
33 defeat of a candidate or ballot issue.  
34 c. A foreign national shall not make an independent  
35 expenditure, directly or indirectly, that advocates the  
36 nomination, election, or defeat of any candidate or  
37 the passage or defeat of any ballot issue. A foreign  
38 national shall not be eligible to vote to authorize an  
39 independent expenditure. As used >>  
40 2. Page 3, by striking lines 15 through 21 and  
41 inserting:  
42 <<g. A certification that eligible voters expressly  
43 authorized the board of directors, executive council,

44 or similar organizational leadership body to make an  
 45 independent expenditure or use treasury funds for an  
 46 independent expenditure within the calendar year in  
 47 which the independent expenditure was incurred. >>

HERMAN C. QUIRMBACH

**S-5174**

1 Amend Senate File 2315 as follows:

2 1. By striking everything after the enacting clause  
 3 and inserting:

4 <Section 1. Section 321.463, subsection 5,  
 5 paragraph c, Code Supplement 2009, is amended to read  
 6 as follows:

7 c. (1) The maximum gross weight allowed to be  
 8 carried on a ~~livestock or construction~~ commercial  
 9 motor vehicle, other than a special truck, on  
 10 noninterstate highways, provided the vehicle is  
 11 operated by a person with a commercial driver's license  
 12 valid for the vehicle operated, is as follows:

13 NONINTERSTATE HIGHWAYS  
 14 MAXIMUM GROSS WEIGHT TABLE  
 15 ~~LIVESTOCK OR CONSTRUCTION~~ COMMERCIAL MOTOR VEHICLE

16 Distance  
 17 in feet      6 Axles              7 Axles

18			
19	44	80,500	80,500
20	45	81,000	81,500
21	46	81,500	82,500
22	47	82,000	83,500
23	48	83,000	84,000
24	49	83,500	85,000
25	50	84,000	86,000
26	51	84,500	87,000
27	52	85,000	88,000
28	53	86,000	88,500
29	54	86,500	89,500
30	55	87,000	90,500
31	56	87,500	91,500
32	57	88,000	92,000
33	58	89,000	93,000
34	59	89,500	94,000
35	60	90,000	95,000
36	61		95,500
37	62		96,000

38 (2) Notwithstanding any provision of this section  
 39 to the contrary, the maximum gross weight allowed to  
 40 be carried on a noninterstate highway by a livestock  
 41 vehicle with five axles, a minimum distance in feet  
 42 between the centers of the first and fifth axles of  
 43 sixty-one feet, and a minimum distance between the

- 44 two rear axles of at least eight feet and one inch is  
 45 eighty-six thousand pounds.>  
 46 2. Title page, by striking lines 1 through 2 and  
 47 inserting <An Act concerning weight limits for certain  
 48 commercial motor vehicles on>  
 49 3. By renumbering as necessary.

COMMITTEE ON TRANSPORTATION  
 TOM RIELLY, Chair

### S-5175

- 1 Amend Senate File 2333 as follows:  
 2 1. Page 1, after line 34 by inserting:  
 3 <Sec. \_\_\_\_ Section 235E.2, subsection 1, paragraph  
 4 a, Code Supplement 2009, is amended to read as follows:  
 5 a. The department shall receive and evaluate  
 6 reports of dependent adult abuse in facilities and  
 7 programs. The department shall inform the department  
 8 of human services of such evaluations and dispositions  
 9 ~~for inclusion in~~ and those individuals who should be  
 10 placed on the central registry for dependent adult  
 11 abuse ~~information~~ pursuant to section ~~235B.5, 235E.7.~~  
 12 If the department believes the situation involves  
 13 an immediate danger to the public health, safety,  
 14 or welfare requiring immediate agency action to  
 15 seek emergency placement on the central registry,  
 16 the department may utilize emergency adjudicative  
 17 proceedings pursuant to section 17A.18A.  
 18 Sec. \_\_\_\_ Section 235E.2, subsection 10, Code  
 19 Supplement 2009, is amended to read as follows:  
 20 10. The department shall adopt rules which require  
 21 facilities and programs to separate an alleged  
 22 dependent adult abuser from a victim following an  
 23 allegation of perpetration of dependent adult abuse  
 24 and prior to the completion of an investigation of  
 25 the allegation. Independent of the department's  
 26 investigation, the facility or program employing  
 27 the alleged dependent adult abuser shall conduct an  
 28 investigation of the alleged dependent adult abuse and  
 29 determine, what, if any, employment action should be  
 30 taken including but not limited to placing the alleged  
 31 dependent adult abuser on administrative leave or  
 32 reassigning or terminating the alleged dependent adult  
 33 abuser as a result of the department's investigation.  
 34 If the facility or program terminates the alleged  
 35 dependent adult abuser as a result of the department's  
 36 investigation, the alleged dependent adult abuser shall  
 37 disclose such termination to any prospective facility  
 38 or program employer.>  
 39 2. Page 2, by striking lines 16 through 21 and  
 40 inserting <dependent adult abuse. Prior to the

41 interview, the department shall provide written  
 42 notification to the person under investigation  
 43 for dependent adult abuse that the person is under  
 44 investigation for dependent adult abuse, the  
 45 fact situation and the nature of the abuse being  
 46 investigated, the possible civil consequences of  
 47 founded abuse, the requirement that the department  
 48 forward a report to law enforcement if the department's  
 49 investigation reveals a potential criminal offense,  
 50 that the person has the right to retain legal counsel

Page 2

1 at the person's expense and may choose to have legal  
 2 counsel, union representation, or any other desired  
 3 representative employed by the facility present during  
 4 the interview, and the fact that the person has the  
 5 right to decline to be interviewed or to terminate an  
 6 interview at any time. The person under investigation  
 7 shall inform the department of the representatives  
 8 desired to be present during the interview and not  
 9 unreasonably delay the interview to organize their  
 10 representatives' presence at the interview. An  
 11 inspector may take or cause>

12 3. By striking page 2, line 28, through page 3,  
 13 line 30, and inserting:

14 <Sec. \_\_. NEW SECTION. 235E.6 Dependent adult  
 15 abuse finding — notification to employer and employee.

16 Upon a finding of founded dependent adult abuse  
 17 by a caretaker, the department shall provide written  
 18 notification of the department's findings to the  
 19 caretaker and the caretaker's employer. In addition,  
 20 the written notification shall detail the consequences  
 21 of the findings and placement on the dependent adult  
 22 abuse registry, the caretaker's appeal rights, and  
 23 include a separate appeal request form. The written  
 24 appeal request form shall clearly set forth that the  
 25 caretaker shall not be placed on the dependent adult  
 26 abuse registry until final agency action is taken if an  
 27 appeal is filed within fifteen days.

28 Sec. \_\_. NEW SECTION. 235E.7 Appeal process —  
 29 dependent adult abuse.

30 1. Upon the department's finding of dependent adult  
 31 abuse, the caretaker shall file an appeal request with  
 32 the department within fifteen days of receiving the  
 33 notification of the finding of abuse. If a request  
 34 for an appeal is filed within fifteen days of the  
 35 notification of the finding, the department shall not  
 36 place the caretaker on the registry until final agency  
 37 action is taken. For a request for an appeal filed  
 38 within fifteen days of the notification of the finding,  
 39 the contested case hearing shall be held within sixty

40 days of the request. The caretaker may extend the  
 41 hearing timeframe by thirty days one time. Additional  
 42 requests for an extension must be agreed upon by  
 43 all parties or for good cause. The department shall  
 44 issue a determination of final agency action within  
 45 forty-five days of the contested case hearing. Upon  
 46 final agency action, further appeal rights shall be  
 47 governed by chapter 17A.

48 2. If a caretaker fails to request an appeal within  
 49 fifteen days, the caretaker shall have an additional  
 50 forty-five days to file an appeal pursuant to chapter

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1 17A. However, the caretaker's name shall be placed on  
 2 the registry pending the outcome of the appeal.

3 3. If the caretaker requests an appeal within  
 4 fifteen days, the caretaker may waive the expedited  
 5 hearing under subsection 1 to proceed under chapter  
 6 17A, but the caretaker's name shall be placed on the  
 7 registry pending the outcome of the appeal.

8 Sec. \_\_\_\_ STUDY. The legislative council is  
 9 requested to establish an interim study committee to  
 10 evaluate due process requirements relating to child  
 11 abuse and dependent adult abuse under Code chapters  
 12 235A and 235B. The committee shall issue a report of  
 13 its recommendations to the general assembly by January  
 14 15, 2011.>

15 4. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

## S-5176

1 Amend Senate File 2348 as follows:

2 1. Page 6, line 13, by striking <four> and

3 inserting <two>

4 2. Page 8, by striking lines 9 through 16 and  
 5 inserting <causes of action against the applicant. ~~The~~

6 1A. For applicants seeking to transact business as  
 7 a mortgage broker or mortgage banker, the bond shall be  
 8 conditioned upon the applicant's faithfully conforming  
 9 to and abiding by this chapter and any rules adopted  
 10 under this chapter and shall require that the surety  
 11 pay to the state and to any persons all moneys that  
 12 become due or owing to the state and to the persons  
 13 from the applicant by virtue of this chapter.>

14 3. Page 8, line 17, by striking <1A.> and inserting  
 15 <1B.>

SWATI A. DANDEKAR

**S-5177**

- 1 Amend Senate File 2332 as follows:  
 2 1. Page 1, after line 21 by inserting:  
 3 <Sec. \_\_\_\_ IMPLEMENTATION. This Act shall be  
 4 implemented July 1, 2011.>  
 5 2. Title page, line 3, after <disabilities> by  
 6 inserting <and providing for implementation>

AMANDA RAGAN

**S-5178**

- 1 Amend Senate File 2353 as follows:  
 2 1. Page 2, by striking lines 19 and 20 and  
 3 inserting <designee, one person representing an  
 4 incumbent local exchange carrier with fewer than  
 5 fifty thousand access lines who provides Part III  
 6 connections, one person representing an incumbent local  
 7 exchange carrier with fifty thousand or more access  
 8 lines who provides Part III connections, one person who  
 9 is a>

BILL HECKROTH  
 STEVEN J. SODDERS

**S-5179**

- 1 Amend House File 788, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 4, line 27, after <permit.> by inserting  
 4 <However, the absence of security personnel on the  
 5 licensed premises is insufficient, without additional  
 6 evidence, to prove that criminal activity occurring  
 7 on the licensed premises was knowingly permitted in  
 8 violation of this paragraph “1.”>  
 9 2. Page 4, line 29, after <to the> by inserting  
 10 <premises of a liquor licensee or permittee authorized  
 11 to sell alcoholic beverages for consumption on the>

COMMITTEE ON COMMERCE  
 STEVE WARNSTADT, Chair

**S-5180**

- 1 Amend Senate File 2335 as follows:  
 2 1. By striking everything after the enacting clause  
 3 and inserting:  
 4 <Section 1. NEW SECTION. 8A.318 Building cleaning  
 5 and maintenance — environmentally preferable cleaning  
 6 products.>

7 1. Findings and intent. The general assembly finds  
8 that human beings are vulnerable to and may be severely  
9 affected by exposure to chemicals, hazardous waste, and  
10 other environmental hazards. The federal environmental  
11 protection agency estimates that human exposure to  
12 indoor air pollutants can be two to five times, and  
13 up to one hundred times, higher than outdoor levels.  
14 Children, teachers, janitors, and other staff members  
15 spend a significant amount of time inside school  
16 buildings. Likewise, state employees and citizens of  
17 this state spend a significant amount of time inside  
18 state buildings. These individuals are continuously  
19 exposed to chemicals from cleaners, waxes, deodorizers,  
20 and other maintenance products.

21 2. Definitions. As used in this section, unless  
22 the context otherwise requires:

23 a. "Environmentally preferable cleaning and  
24 maintenance products" includes but is not limited to  
25 cleaning and maintenance products identified by the  
26 department and posted on the department's internet  
27 site.

28 b. "State building" means a public facility or  
29 building owned by or leased by the state, or an agency  
30 or department of the state.

31 3. Use of environmentally preferable cleaning and  
32 maintenance products.

33 a. All school districts in this state, community  
34 colleges, institutions under the control of the  
35 state board of regents, and state agencies utilizing  
36 state buildings, are encouraged to conform to an  
37 environmentally preferable cleaning policy designed  
38 to facilitate the purchase and use of environmentally  
39 preferable cleaning and maintenance products for  
40 purposes of public school, community college,  
41 regents institution, and state building cleaning and  
42 maintenance.

43 b. Each school district, community college,  
44 institution under the control of the state board of  
45 regents, or state agency utilizing public buildings  
46 shall conduct an evaluation and assessment regarding  
47 implementation of an environmentally preferable  
48 cleaning policy pursuant to this section. On or  
49 after July 1, 2012, all state agencies, and all school  
50 districts, community colleges, and institutions under

Page 2

1 the control of the state board of regents which have  
2 not opted out of compliance pursuant to paragraph "c",  
3 shall purchase only cleaning and maintenance products  
4 identified by the department or that meet nationally  
5 recognized standards. School districts, community

6 colleges, institutions under the control of the state  
7 board of regents, and state agencies procuring supplies  
8 for schools and state buildings may deplete their  
9 existing cleaning and maintenance supply stocks and  
10 implement the new requirements in the procurement  
11 cycle for the following year. This section shall not  
12 be interpreted in a manner that prohibits the use of  
13 disinfectants, disinfecting cleaners, sanitizers,  
14 or any other antimicrobial product regulated by the  
15 federal Insecticide, Fungicide, and Rodenticide Act, 7  
16 U.S.C. § 136 et seq., when necessary to protect public  
17 health and provided that the use of these products  
18 is in accordance with responsible cleaning procedure  
19 requirements.

20 c. A school district, community college, or  
21 institution under the control of the state board of  
22 regents may, based upon the evaluation and assessment  
23 conducted pursuant to paragraph “b”, opt out of  
24 compliance with the requirements of this section,  
25 upon the affirmative vote of a majority of the members  
26 of the board of directors of the school district or  
27 a determination by the president of the community  
28 college or by the president or administrative officer  
29 of the regents institution. A school district,  
30 community college, or regents institution opting out of  
31 compliance pursuant to this paragraph shall notify the  
32 department of education, the state board for community  
33 colleges, or the state board of regents, respectively,  
34 of this decision.

35 4. Information requirements — department internet  
36 site. The department shall provide information on the  
37 department’s internet site regarding environmentally  
38 preferable cleaning and maintenance products used  
39 by the department. The department may also provide  
40 information regarding other cleaning and maintenance  
41 products that the department is aware of that meet  
42 nationally recognized standards. Information shall  
43 also be provided, at the discretion of the department,  
44 regarding the nationally recognized standards and the  
45 entity establishing the standards.>

46 2. Title page, by striking lines 1 through 3 and  
47 inserting <An Act requiring public schools, community  
48 colleges, institutions under the control of the state  
49 board of regents, and state agencies to comply with an  
50 environmentally preferable cleaning and maintenance

Page 3

1 policy unless specified conditions for noncompliance  
2 are satisfied.>



**S-5181**

1 Amend Senate File 2353 as follows:  
 2 1. By striking everything after the enacting clause  
 3 and inserting:  
 4 <Section 1. SALE OR LEASE OF IOWA COMMUNICATIONS  
 5 NETWORK.  
 6 1. The Iowa telecommunications and technology  
 7 commission shall implement a request for proposals  
 8 process to sell or lease the Iowa communications  
 9 network. The request for proposals shall provide for  
 10 the sale to be concluded or the lease to commence  
 11 during the fiscal year beginning July 1, 2010. The  
 12 commission shall condition the sale or lease of the  
 13 Iowa communications network with terms that will allow  
 14 existing authorized users of the network to continue  
 15 such use at a lower overall long-term cost when  
 16 compared to the anticipated operation and maintenance  
 17 costs if state ownership and control were to continue.  
 18 The commission shall submit periodic status reports  
 19 to the general assembly at three-month intervals,  
 20 beginning on October 1, 2010, regarding progress made  
 21 toward selling or leasing the network.  
 22 2. Proceeds from the sale or lease of the network  
 23 pursuant to this section shall be deposited in the  
 24 rebuild Iowa infrastructure fund established in section  
 25 8.57.>  
 26 2. Title page, by striking lines 2 and 3 and  
 27 inserting <communications network connection facilities  
 28 by providing for the sale or lease of the network.>

BRAD ZAUN  
 STEVE KETTERING  
 JERRY BEHN  
 JAMES A. SEYMOUR  
 NANCY J. BOETTGER  
 KIM REYNOLDS  
 DAVID JOHNSON  
 LARRY NOBLE  
 PAT WARD  
 DAVID HARTSUCH  
 SHAWN HAMERLINCK  
 JAMES F. HAHN  
 RANDY FEENSTRA

**S-5182**

1 Amend Senate File 2353 as follows:  
 2 1. Page 1, line 3, by striking <(1)>  
 3 2. Page 1, line 19, by striking <(2)> and inserting  
 4 <h.>

- 5 3. By striking page 1, line 22, through page 3,  
6 line 25.

PAM JOCHUM

**S-5183**

- 1 Amend Senate File 2348 as follows:  
2 1. Page 6, line 13, by striking <four> and  
3 inserting <two>  
4 2. Page 8, by striking lines 7 through 16 and  
5 inserting <intention to cancel the bond on a specific  
6 date. ~~The bond shall be for the use of the state and  
7 any persons who may have causes of action against the  
8 applicant. The~~  
9 1A. For applicants seeking to transact business as  
10 a mortgage broker or mortgage banker, the bond shall  
11 be for the use of the state and any persons who may  
12 have causes of action against the applicant. The bond  
13 shall be conditioned upon the applicant's faithfully  
14 conforming to and abiding by this chapter and any rules  
15 adopted under this chapter and shall require that  
16 the surety pay to the state and to any persons all  
17 moneys that become due or owing to the state and to the  
18 persons from the applicant by virtue of this chapter.>  
19 3. Page 8, line 17, by striking <1A.> and inserting  
20 <1B.>

SWATI A. DANDEKAR

**S-5184**

- 1 Amend House File 2496, as passed by the House, as  
2 follows:  
3 1. Page 2, by striking lines 7 through 9 and  
4 inserting <and resource green list to be available  
5 statewide.>  
6 2. Page 2, line 21, by striking <Three> and  
7 inserting <Four>  
8 3. Page 2, line 24, by striking <and one> and  
9 inserting <one>  
10 4. Page 2, line 26, after <scrapyard> by inserting  
11 <, and one member with expertise in the collection,  
12 recycling, and reprocessing of waste tires>  
13 5. Page 3, after line 1 by inserting:  
14 <(5A) One member nominated by a national solid  
15 waste management association representing private solid  
16 waste disposal entities with expertise in the hauling  
17 of solid waste.>  
18 6. Page 4, after line 8 by inserting:  
19 <(28) The director of the center for energy and  
20 environmental education at the university of northern

21 Iowa.

22 (29) The director of the recycling and reuse  
23 technology transfer center at the university of  
24 northern Iowa.>

25 7. Page 4, line 19, after <a> by inserting  
26 <not-for-profit>

27 8. Page 4, after line 23 by inserting:

28 <3. The department shall convene meetings  
29 as necessary to develop recommendations for the  
30 establishment of measures sufficient to provide  
31 stewardship of waste tires as well as to promote the  
32 recycling and reuse of such tires.>

33 9. By renumbering as necessary.

COMMITTEE ON ENVIRONMENT &  
ENERGY INDEPENDENCE  
DENNIS H. BLACK, Chair

### S-5185

1 Amend House File 2229, as passed by the House, as  
2 follows:

3 1. Page 1, by striking lines 10 through 14 and  
4 inserting <network to a dental plan that sets fees for  
5 dental services that are not covered services.>

6 2. Page 1, after line 21 by inserting:

7 <4. Nothing in this section shall be construed as  
8 limiting the ability of an insurer or a third-party  
9 administrator to restrict balance billing, waiting  
10 periods, frequency limitations, and deductibles.>

COMMITTEE ON COMMERCE  
STEVE WARNSTADT, Chair

### S-5186

1 Amend Senate File 2367 as follows:

2 1. Page 2, after line 15 by inserting:

3 <3A. For the fiscal year beginning July 1,  
4 2010, and ending June 30, 2011, the department of  
5 administrative services shall not sell and lease back  
6 real property under the control of the department,  
7 notwithstanding any provision of law to the contrary.>

8 2. By renumbering as necessary.

JERRY BEHN

**S-5187**

- 1 Amend House File 2437, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, by striking lines 15 through 20.  
 4 2. By renumbering as necessary.

ROBERT M. HOGG

**S-5188**

- 1 Amend House File 2478, as passed by the House, as  
 2 follows:  
 3 1. Page 3, by striking lines 16 and 17 and  
 4 inserting <registered agent and need not be responsive  
 5 to subsection 1.>  
 6 2. Page 3, line 30, by striking <an agency> and  
 7 inserting <the agent's agency>  
 8 3. Page 3, line 35, by striking <registered or>  
 9 4. Page 4, line 26, after <perfected> by inserting  
 10 <under this subsection>  
 11 5. Page 7, line 1, by striking <delivered.> and  
 12 inserting <delivered.>  
 13 6. Page 8, line 12, before <489.209> by inserting  
 14 <section>  
 15 7. By renumbering as necessary.

ROBERT M. HOGG

**S-5189**

- 1 Amend Senate File 2371 as follows:  
 2 1. Page 1, line 17, by striking <two hundred> and  
 3 inserting <one hundred twenty-seven>

WILLIAM A. DOTZLER, JR.

**S-5190**

- 1 Amend Senate File 2251 as follows:  
 2 1. Page 1, by striking line 26 and inserting <for a  
 3 case of ~~extreme~~ hardship or ~~compelling~~ circumstances>  
 4 2. Page 3, by striking lines 26 through 28 and  
 5 inserting <ninety days if a test was refused under  
 6 section 321J.9>  
 7 3. Page 5, by striking lines 5 through 8 and  
 8 inserting <The temporary restricted license shall be  
 9 issued in accordance with section 321J.20.>  
 10 4. Page 6, by striking line 16 and inserting  
 11 <license for ~~at least~~ one year after the effective date  
 12 of the>

13 5. Page 7, line 5, after ~~<revocation.>~~ by inserting  
14 <A temporary restricted license issued to a person  
15 whose driver's license or nonresident driving privilege  
16 has been revoked under subsection 1, paragraph "b",  
17 shall be issued in accordance with section 321J.20,  
18 subsection 2.>

19 6. Page 8, by striking lines 13 and 14 and  
20 inserting ~~<be eligible for any temporary restricted~~  
21 ~~license for one year forty-five days after the~~  
22 ~~effective date of the revocation, and the>~~

23 7. Page 8, by striking lines 20 and 21 and  
24 inserting ~~<The temporary restricted license shall be~~  
25 ~~issued in accordance with section 321J.20, subsection~~  
26 ~~2, A>~~

27 8. By striking page 10, line 30, through page 11,  
28 line 33, and inserting:  
29 ~~<2. a. Notwithstanding section 321.560, the~~  
30 ~~department may, on application, and upon the expiration~~  
31 ~~of the minimum period of ineligibility for a temporary~~  
32 ~~restricted license provided for under section~~  
33 ~~321.560, 321J.4, 321J.9, or 321J.12, issue a temporary~~  
34 ~~restricted license to a person whose noncommercial~~  
35 ~~driver's license has either been revoked under this~~  
36 ~~chapter, or revoked or suspended under chapter 321~~  
37 ~~solely for violations of this chapter, or who has been~~  
38 ~~determined to be a habitual offender under chapter~~  
39 ~~321 based solely on violations of this chapter or on~~  
40 ~~violations listed in section 321.560, subsection 1,~~  
41 ~~paragraph "b", and who is not eligible for a temporary~~  
42 ~~restricted license under subsection 1. However, the~~  
43 ~~department may not issue a temporary restricted license~~  
44 ~~under this subsection for a violation of section~~  
45 ~~321J.2A or to a person under the age of twenty-one~~  
46 ~~whose license is revoked under section 321J.4, 321J.9,~~  
47 ~~or 321J.12. A temporary restricted license issued~~  
48 ~~under this subsection may allow the person to drive~~  
49 ~~to and from the person's home and specified places at~~  
50 ~~specified times which can be verified by the department~~

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1 and which are required by the person's full-time or  
2 part-time employment, continuing education while  
3 enrolled in an educational institution on a part-time  
4 or full-time basis and while pursuing a course of study  
5 leading to a diploma, degree, or other certification of  
6 successful educational completion, or substance abuse  
7 treatment.

8 b. Notwithstanding paragraph "a", a temporary  
9 restricted license issued to a person whose  
10 noncommercial driver's license has been revoked  
11 under section 321J.4, subsection 2, section 321J.9,

12 subsection 1, paragraph "b", or section 321J.12,  
13 subsection 1, paragraph "b", shall provide for but not  
14 exceed the uses permitted by 23 U.S.C. § 164. This  
15 restriction applies only during the first three hundred  
16 sixty-five days of the person's revocation.  
17 c. A temporary restricted license issued under this  
18 subsection shall be conditioned upon the installation  
19 of an approved ignition interlock device on all motor  
20 vehicles owned or operated by the person. However, a  
21 person whose driver's license or nonresident operating  
22 privilege has been revoked under section 321J.21 may  
23 apply to the department for a temporary restricted  
24 license without the requirement of an ignition  
25 interlock device if at least twelve years have elapsed  
26 since the end of the underlying revocation period for a  
27 violation of section 321J.2.>

STEVEN J. SODDERS

## S-5191

1 Amend Senate File 2314 as follows:  
2 1. By striking everything after the enacting clause  
3 and inserting:  
4 <Section 1. Section 476.6, Code Supplement 2009, is  
5 amended by adding the following new subsection:  
6 NEW SUBSECTION. 22. a. It is the intent of the  
7 general assembly to require certain rate-regulated  
8 public utilities to undertake analyses of and  
9 preparations for the possible construction of nuclear  
10 generating facilities in this state that would be  
11 beneficial in a carbon-constrained environment.  
12 b. A rate-regulated electric utility that was  
13 subject to a revenue sharing settlement agreement with  
14 regard to its electric base rates as of January 1,  
15 2010, shall recover, through a rider and pursuant to  
16 a tariff filing made on or before December 31, 2013,  
17 the reasonable and prudent costs of its analyses of  
18 and preparations for the possible construction of  
19 facilities of the type referenced in paragraph "a".  
20 Cost recovery shall be accomplished by instituting a  
21 revenue increase applied in the same percentage amount  
22 to each customer class and not designed to recover,  
23 on an annual basis, more than five-tenths percent of  
24 the electric utility's calendar year 2009 revenues  
25 attributable to billed base rates in this state. At  
26 the conclusion of the cost recovery period, which  
27 shall extend no more than thirty-six months in total,  
28 the board shall conduct a contested case proceeding  
29 pursuant to chapter 17A to evaluate the reasonableness  
30 and prudence of the cost recovery. The utility shall  
31 file such information with the board as the board deems

32 appropriate, including the filing of an annual report  
33 identifying and explaining expenditures identified in  
34 the rider as items for cost recovery, and any other  
35 information required by the board. If the board  
36 determines that the utility has imprudently incurred  
37 costs, or has incurred costs that are less than the  
38 amount recovered, the board shall order the utility to  
39 modify the rider to adjust the amount recoverable.

40 c. Costs that may be recovered through the rider  
41 described in paragraph "b" shall be consistent with  
42 the United States nuclear regulatory guide, section  
43 4.7, general site suitability criteria for nuclear  
44 power stations, revision two, April 1998, including  
45 costs related to the study and use of sites for nuclear  
46 generation.

47 Sec. 2. Section 476.53, Code 2009, is amended to  
48 read as follows:

49 476.53 Electric generating and transmission  
50 facilities.

Page 2

1 1. It is the intent of the general assembly to  
2 attract the development of electric power generating  
3 and transmission facilities within the state in  
4 sufficient quantity to ensure reliable electric service  
5 to Iowa consumers and provide economic benefits to  
6 the state. It is also the intent of the general  
7 assembly to encourage rate-regulated public utilities  
8 to consider altering existing electric generating  
9 facilities, where reasonable, to manage carbon emission  
10 intensity in order to facilitate the transition to a  
11 carbon-constrained environment.

12 2. a. The general assembly's intent with regard  
13 to the development of electric power generating and  
14 transmission facilities, or the significant alteration  
15 of an existing generating facility as provided in  
16 subsection 1, shall be implemented in a manner that is  
17 cost-effective and compatible with the environmental  
18 policies of the state, as expressed in Title XI.

19 b. The general assembly's intent with regard to  
20 the reliability of electric service to Iowa consumers,  
21 as provided in subsection 1, shall be implemented by  
22 considering the diversity of the types of fuel used to  
23 generate electricity, the availability and reliability  
24 of fuel supplies, and the impact of the volatility of  
25 fuel costs.

26 3. For purposes of this section, unless the context  
27 otherwise requires, the terms "cogeneration pilot  
28 project facility", "energy sales agreement", "qualified  
29 cogeneration pilot project facility", and "utility owned  
30 cogeneration pilot project facility" mean the same as

31 ~~defined in section 15.269.~~

32 ~~4.3.~~ a. The board shall specify in advance, by  
 33 order issued after a contested case proceeding, the  
 34 ratemaking principles that will apply when the costs of  
 35 the electric power generating facility, ~~or alternate~~  
 36 ~~energy production facility, cogeneration pilot project~~  
 37 ~~facility, or energy sales agreement~~ are included in  
 38 regulated electric rates whenever a rate-regulated  
 39 public utility does any of the following:

40 (1) Files an application pursuant to section 476A.3  
 41 to construct in Iowa a baseload electric generating  
 42 facility with a nameplate generating capacity equal  
 43 to or greater than three hundred megawatts or a  
 44 combined-cycle electric power generating facility, or  
 45 an alternative energy production facility as defined  
 46 in section 476.42, or to significantly alter an  
 47 existing generating facility. For purposes of this  
 48 subparagraph, a significant alteration of an existing  
 49 generating facility must, in order to qualify for  
 50 establishment of ratemaking principles, fall into one

Page 3

1 of the following categories:

2 (a) Conversion of a coal fueled facility into a gas  
 3 fueled facility.

4 (b) Addition of carbon capture and storage  
 5 facilities at a coal fueled facility.

6 (c) Addition of gas fueled capability to a coal  
 7 fueled facility, in order to convert the facility  
 8 to one that will rely primarily on gas for future  
 9 generation.

10 (d) Addition of a biomass fueled capability to a  
 11 coal fueled facility.

12 With respect to a significant alteration of an  
 13 existing generating facility, an original facility  
 14 shall not be required to be either a baseload or  
 15 a combined-cycle facility. Only the incremental  
 16 investment undertaken by a utility under subparagraph  
 17 divisions (a), (b), (c), or (d) shall be eligible to  
 18 apply the ratemaking principles established by the  
 19 order issued pursuant to paragraph "e". Facilities  
 20 for which advanced ratemaking principles are obtained  
 21 pursuant to this section shall not be subject to a  
 22 subsequent board review pursuant to section 476.6,  
 23 subsection 21 to the extent that the investment has  
 24 been considered by the board under this section. To  
 25 the extent an eligible utility has been authorized to  
 26 make capital investments subject to section 476.6,  
 27 subsection 21, such investments shall not be eligible  
 28 for ratemaking principles pursuant to this section.

29 (2) Leases or owns in Iowa, in whole or in part, a



30 new baseload electric power generating facility with a  
31 nameplate generating capacity equal to or greater than  
32 three hundred megawatts or a combined-cycle electric  
33 power generating facility, or a new alternate energy  
34 production facility as defined in section 476.42.

35 ~~(3) Enters into an agreement for the purchase of~~  
36 ~~the electric power output of a qualified cogeneration~~  
37 ~~pilot project facility or constructs a utility-owned~~  
38 ~~cogeneration pilot project facility pursuant to section~~  
39 ~~15.269.~~

40 b. In determining the applicable ratemaking  
41 principles, the board shall not be limited to  
42 traditional ratemaking principles or traditional  
43 cost recovery mechanisms. Among the principles and  
44 mechanisms the board may consider, the board has the  
45 authority to approve ratemaking principles proposed  
46 by a rate-regulated public utility that provide for  
47 reasonable restrictions upon the ability of the public  
48 utility to seek a general increase in electric rates  
49 under section 476.6 for at least three years after the  
50 generating facility begins providing service to Iowa

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1 customers.

2 c. In determining the applicable ratemaking  
3 principles, the board shall make the following  
4 findings:

5 (1) The rate-regulated public utility has in effect  
6 a board-approved energy efficiency plan as required  
7 under section 476.6, subsection 16.

8 (2) The rate-regulated public utility has  
9 demonstrated to the board that the public utility  
10 has considered other sources for long-term electric  
11 supply and that the facility, ~~or lease, or cogeneration~~  
12 ~~pilot project facility~~ is reasonable when compared  
13 to other feasible alternative sources of supply.  
14 The rate-regulated public utility may satisfy the  
15 requirements of this subparagraph through a competitive  
16 bidding process, under rules adopted by the board, that  
17 demonstrate the facility, ~~energy sales agreement, or~~  
18 ~~lease~~ is a reasonable alternative to meet its electric  
19 supply needs.

20 d. The applicable ratemaking principles shall  
21 be determined in a contested case proceeding, which  
22 proceeding may be combined with the proceeding for  
23 issuance of a certificate conducted pursuant to chapter  
24 476A.

25 e. The order setting forth the applicable  
26 ratemaking principles shall be issued prior to the  
27 commencement of construction or lease of the facility,  
28 ~~or execution of an energy sales agreement related to~~

29 ~~the cogeneration pilot project facility.~~

30 f. Following issuance of the order, the  
31 rate-regulated public utility shall have the option of  
32 proceeding according to either of the following:

33 (1) Withdrawing its application for a certificate  
34 pursuant to chapter 476A.

35 (2) Proceeding with the construction or lease  
36 of the facility ~~or implementation of an energy sales~~  
37 ~~agreement related to a cogeneration pilot project~~  
38 ~~facility.~~

39 g. Notwithstanding any provision of this chapter  
40 to the contrary, the ratemaking principles established  
41 by the order issued pursuant to paragraph "e" shall  
42 be binding with regard to the specific electric power  
43 generating facility ~~or cogeneration pilot project~~  
44 ~~facility~~ in any subsequent rate proceeding.

45 ~~5. 4.~~ The utilities board and the consumer  
46 advocate may employ additional temporary staff, or may  
47 contract for professional services with persons who  
48 are not state employees, as the board and the consumer  
49 advocate deem necessary to perform required functions  
50 as provided in this section, including but not limited

Page 5

1 to review of power purchase contracts, review of  
2 emission plans and budgets, and review of ratemaking  
3 principles proposed for construction or lease of  
4 a new generating facility ~~or a cogeneration pilot~~  
5 ~~project facility.~~ Beginning July 1, 2002, there is  
6 appropriated out of any funds in the state treasury not  
7 otherwise appropriated, such sums as may be necessary  
8 to enable the board and the consumer advocate to  
9 hire additional staff and contract for services under  
10 this section. The costs of the additional staff and  
11 services shall be assessed to the utilities pursuant to  
12 the procedure in section 476.10 and section 475A.6.

13 ~~6. a. A qualified cogeneration pilot project~~  
14 ~~facility may file a petition with the board for a~~  
15 ~~determination of the avoided cost of an electric~~  
16 ~~utility as provided in the federal Public Utility~~  
17 ~~Regulatory Policies Act of 1978 and related federal~~  
18 ~~regulations, if such a determination has not been made~~  
19 ~~within the last twenty four months or if there is~~  
20 ~~reason to believe the avoided cost has changed.~~

21 ~~b. The board shall issue its determination of the~~  
22 ~~electric utility's avoided cost within one hundred~~  
23 ~~twenty days after the petition is filed.~~

24 ~~e. The board, for good cause shown, may extend the~~  
25 ~~deadline for issuing the decision for an additional~~  
26 ~~period not to exceed one hundred twenty days.~~

27 ~~d. The board shall not issue a decision under this~~

28 subsection without providing notice and an opportunity  
29 for hearing.

30 e. ~~The utilities board and the consumer advocate  
31 may employ additional temporary staff, or may contract  
32 for professional services with persons who are not  
33 state employees, as the board and the consumer advocate  
34 deem necessary to perform required functions as  
35 provided in this subsection. There is appropriated  
36 out of any funds in the state treasury not otherwise  
37 appropriated, such sums as may be necessary to enable  
38 the board and the consumer advocate to hire additional  
39 staff and contract for services under this section.  
40 The costs of the additional staff and services shall  
41 be assessed to the electric utility pursuant to the  
42 procedure in sections 476.10 and 475A.6.~~

43 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being  
44 deemed of immediate importance, takes effect upon  
45 enactment.>

46 2. Title page, by striking lines 1 and 2 and  
47 inserting <An Act requiring certain rate-regulated  
48 public utilities to undertake analyses of and  
49 preparation for the possible construction of low carbon  
50 emitting nuclear generating facilities in this state,

Page 6

1 permitting all rate-regulated public utilities to make  
2 significant alterations to an existing generating  
3 facility, and including effective date provisions.>

TOM HANCOCK

### S-5192

1 Amend House File 788, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 5, line 22, after <Code> by inserting  
4 <Supplement>

MATT McCOY

### S-5193

1 Amend Senate File 2284 as follows:  
2 1. Page 1, line 5, by striking <or> and inserting  
3 <and>  
4 2. By renumbering as necessary.

DARYL BEALL

**S-5194**

- 1 Amend House File 2438, as passed by the House, as  
 2 follows:
- 3 1. Page 1, line 11, by striking <act upon> and  
 4 inserting <sex act upon or sexual exploitation of>
- 5 2. Page 1, after line 26 by inserting:  
 6 <3. A person commits an aggravated misdemeanor  
 7 when, without authority and with the intent to commit  
 8 an illegal act upon a minor under the age of sixteen,  
 9 the person entices or attempts to entice a person  
 10 reasonably believed to be under the age of sixteen. A  
 11 person convicted under this subsection shall not be  
 12 subject to the registration requirements under chapter  
 13 692A unless the finder of fact determines that the  
 14 illegal act was sexually motivated.>
- 15 3. Page 1, line 27, by striking <3.> and inserting  
 16 <4.>
- 17 4. Page 1, line 30, by striking <5, 4.> and  
 18 inserting <5.>

COMMITTEE ON JUDICIARY  
 KEITH A. KREIMAN, Chair

**S-5195**

- 1 Amend House File 674, as passed by the House, as  
 2 follows:
- 3 1. Page 1, line 4, before <Any> by inserting <1.>
- 4 2. Page 1, by striking line 5 and inserting <who  
 5 shall>
- 6 3. Page 1, by striking lines 21 through 24  
 7 and inserting <the gunshot or stab wound or other  
 8 serious injury. ~~Any provision of law or rule of~~  
 9 ~~evidence relative to confidential communications is~~  
 10 ~~suspended insofar as the provisions of this section are~~  
 11 ~~concerned.>~~
- 12 4. Page 1, after line 25 by inserting:  
 13 <2. A person certified under the provisions of  
 14 chapter 147A who administers any treatment to any  
 15 person suffering a gunshot or stab wound or other  
 16 serious injury, as defined in section 702.18, which  
 17 appears to have been received in connection with  
 18 the commission of a criminal offense, or a motor  
 19 vehicle accident or crash, or to whom an application  
 20 is made for treatment of any nature because of  
 21 any such gunshot or stab wound or other serious  
 22 injury, may report that fact to the law enforcement  
 23 agency within whose jurisdiction the treatment was  
 24 administered or application for treatment was made,  
 25 or if ascertainable, to the law enforcement agency  
 26 in whose jurisdiction the gunshot or stab wound or

27 other serious injury occurred, stating the name of the  
 28 person, the person's residence if ascertainable, and  
 29 giving a brief description of the gunshot or stab wound  
 30 or other serious injury.  
 31 3. Any provision of law or rule of evidence  
 32 relating to a confidential communication is suspended  
 33 for communications under this section.>

COMMITTEE ON JUDICIARY  
 KEITH A. KREIMAN, Chair

### S-5196

1 Amend House File 2399, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 3, line 11, by striking <alternative> and  
 4 inserting <alternate>

TOM HANCOCK

### S-5197

#### HOUSE AMENDMENT TO SENATE FILE 153

1 Amend Senate File 153, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking lines 10 and 11 and  
 4 inserting <veterinary medicine, pharmacy, nursing, and  
 5 marriage and>  
 6 2. Page 1, line 33, by striking <For> and  
 7 inserting:  
 8 <a. For>  
 9 3. By striking page 1, line 34, through page  
 10 2, line 1, and inserting <osteopathic medicine and  
 11 surgery, and practice as a physician assistant shall be  
 12 deemed to be professions which could>  
 13 4. Page 2, after line 3 by inserting:  
 14 <b. Nothing in this section shall be construed to  
 15 expand the scope of practice of a physician assistant  
 16 or modify the requirement in section 148C.4 that a  
 17 physician assistant perform medical services under the  
 18 supervision of a licensed physician.>  
 19 5. Page 2, line 17, by striking <This> and  
 20 inserting:  
 21 <a. This>  
 22 6. Page 2, by striking lines 19 and 20 and  
 23 inserting <and surgery, or persons practicing as  
 24 physician assistants>  
 25 7. Page 2, after line 22 by inserting:  
 26 <b. Nothing in this section shall be construed to  
 27 expand the scope of practice of a physician assistant

- 28 or modify the requirement in section 148C.4 that a  
 29 physician assistant perform medical services under the  
 30 supervision of a licensed physician.>  
 31 8. Page 3, by striking lines 10 and 11 and  
 32 inserting <veterinary medicine, pharmacy, and the  
 33 practice of nursing.>  
 34 9. Page 3, line 34, by striking <For> and  
 35 inserting:  
 36 <a. For>  
 37 10. By striking page 3, line 35, through page 4,  
 38 line 2, and inserting <osteopathic medicine and surgery  
 39 and practice as a physician assistant shall be deemed  
 40 to be professions which could>  
 41 11. Page 4, after line 4 by inserting:  
 42 <b. Nothing in this section shall be construed to  
 43 expand the scope of practice of a physician assistant  
 44 or modify the requirement in section 148C.4 that a  
 45 physician assistant perform medical services under the  
 46 supervision of a licensed physician.>  
 47 12. Page 4, line 17, by striking <This> and  
 48 inserting:  
 49 <a. This>  
 50 13. Page 4, by striking lines 19 and 20 and

Page 2

- 1 inserting <and surgery. or persons practicing as  
 2 physician assistants>  
 3 14. Page 4, after line 22 by inserting:  
 4 <b. Nothing in this section shall be construed to  
 5 expand the scope of practice of a physician assistant  
 6 or modify the requirement in section 148C.4 that a  
 7 physician assistant perform medical services under the  
 8 supervision of a licensed physician.>  
 9 15. Title page, line 1, after <physicians,> by  
 10 inserting <and>  
 11 16. Title page line 2, by striking <, and advanced  
 12 registered nurse practitioners>  
 13 17. By renumbering as necessary.

## S-5198

### HOUSE AMENDMENT TO SENATE FILE 285

- 1 Amend Senate File 285, as passed by the Senate, as follows:  
 2 1. Page 2, by striking lines 9 through 23.  
 3 2. Page 4, by striking lines 2 through 7.

**S-5199**

1 Amend the amendment, S-5143, to House File 2284, as  
 2 passed by the House, as follows:  
 3 1. Page 1, by striking lines 17 through 30 and  
 4 inserting:  
 5 <\_\_. Page 5, by striking lines 8 through 21 and  
 6 inserting:  
 7 <Sec. \_\_. Section 157.8, subsection 2, paragraph  
 8 a, Code 2009, is amended to read as follows:>  
 9 \_\_. By striking page 5, line 34, through page 6,  
 10 line 1.>

JOE BOLKCOM

**S-5200**

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2456

1 Amend the amendment, H-8251, to House File 2456,  
 2 as amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, by striking lines 3 through 10 and  
 5 inserting:  
 6 <\_\_. By striking everything after the enacting  
 7 clause and inserting:  
 8 <Section 1. Section 321.178, subsection 2,  
 9 paragraph a, Code 2009, is amended to read as follows:  
 10 a. (1) A person between sixteen and eighteen  
 11 years of age who has completed an approved driver's  
 12 education course and is not in attendance at school  
 13 and has not met the requirements described in section  
 14 299.2, subsection 1, may be issued a restricted license  
 15 only for travel to and from work or to transport  
 16 dependents to and from temporary care facilities,  
 17 if necessary for the person to maintain the person's  
 18 present employment. The restricted license shall be  
 19 issued by the department only upon confirmation of the  
 20 person's employment and need for a restricted license  
 21 to travel to and from work or to transport dependents  
 22 to and from temporary care facilities if necessary to  
 23 maintain the person's employment. The employer shall  
 24 notify the department if the employment of the person  
 25 is terminated before the person attains the age of  
 26 eighteen.  
 27 (2) A person issued a restricted license under  
 28 this section shall not use an electronic communication  
 29 device or an electronic entertainment device while  
 30 driving a motor vehicle unless the motor vehicle is  
 31 at a complete stop off the traveled portion of the

32 roadway. This subparagraph does not apply to the use  
33 of electronic equipment which is permanently installed  
34 in the motor vehicle or to a portable device which is  
35 operated through permanently installed equipment.

36 Sec. 2. Section 321.180B, Code Supplement 2009, is  
37 amended by adding the following new subsection:  
38 NEW SUBSECTION. 6A. A person issued an instruction  
39 permit or intermediate driver's license under this  
40 section shall not use an electronic communication  
41 device or an electronic entertainment device while  
42 driving a motor vehicle unless the motor vehicle is  
43 at a complete stop off the traveled portion of the  
44 roadway. This subsection does not apply to the use of  
45 electronic equipment which is permanently installed  
46 in the motor vehicle or to a portable device which is  
47 operated through permanently installed equipment.  
48 Sec. 3. Section 321.194, subsection 1, Code  
49 Supplement 2009, is amended by adding the following new  
50 paragraph:

Page 2

1 NEW PARAGRAPH. c. A person issued a driver's  
2 license under this section shall not use an electronic  
3 communication device or an electronic entertainment  
4 device while driving a motor vehicle unless the motor  
5 vehicle is at a complete stop off the traveled portion  
6 of the roadway. This paragraph does not apply to  
7 the use of electronic equipment which is permanently  
8 installed in the motor vehicle or to a portable  
9 device which is operated through permanently installed  
10 equipment.

11 Sec. 4. NEW SECTION. 321.238 Use of electronic  
12 devices while driving — preemption of local  
13 legislation.

14 The provisions of sections 321.178, 321.180B, and  
15 321.194 restricting the use of electronic communication  
16 devices and electronic entertainment devices by certain  
17 motor vehicle operators shall be implemented uniformly  
18 throughout the state. Such provisions shall preempt  
19 any county or municipal ordinance regarding the use  
20 of an electronic communication device or electronic  
21 entertainment device by a motor vehicle operator. In  
22 addition, a county or municipality shall not adopt  
23 or continue in effect an ordinance regarding the use  
24 of an electronic communication device or electronic  
25 entertainment device by a motor vehicle operator.>

26 \_\_\_\_\_. Title page, lines 2 and 3, by striking  
27 <driving, including prohibiting a person from writing  
28 or sending a text message while>



29 \_\_\_\_\_. Title page, line 4, by striking <providing  
 30 penalties> and inserting <making penalties applicable>  
 31 \_\_\_\_\_. By renumbering as necessary.>

**S-5201**

1 Amend House File 2399, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. By striking page 1, line 3, through page 2, line  
 4 3, and inserting:  
 5 <NEW SUBSECTION. 22. It is the intent of the  
 6 general assembly to allow rate-regulated public  
 7 utilities subject to a revenue sharing settlement  
 8 agreement with regard to their electric base rates to  
 9 undertake analyses of and preparations for the possible  
 10 construction of nuclear generating facilities in this  
 11 state that would be beneficial in a carbon-constrained  
 12 environment. A utility undertaking an analysis  
 13 pursuant to this subsection shall be responsible for  
 14 all costs associated with conducting the analysis.>  
 15 2. Title page, line 1, by striking <requiring> and  
 16 inserting <allowing>

GENE FRAISE  
 ROBERT M. HOGG  
 JOE BOLKCOM  
 MATT McCOY  
 BECKY SCHMITZ  
 PAM JOCHUM  
 ROBERT E. DVORSKY  
 WALLY E. HORN  
 KEITH A. KREIMAN  
 DICK L. DEARDEN  
 STACI APPEL

**S-5202**

1 Amend House File 2399, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 32, after <recoverable.> by  
 4 inserting <A utility that has recovered costs pursuant  
 5 to this paragraph and that does not subsequently  
 6 construct a nuclear generating facility in this state  
 7 shall, within two years following completion of its  
 8 analysis, refund to customers all moneys collected  
 9 pursuant to the rider.>

STEVEN J. SODDERS

**S-5203**

- 1 Amend Senate File 2370 as follows:
- 2 1. Page 24, line 25, by striking <so as to lure,
- 3 attract, or entice> and inserting <for the sole purpose
- 4 of luring, attracting, or enticing>
- 5 2. Page 24, after line 34 by inserting:
- 6 <Oc. "Livestock" means the same as defined in
- 7 section 717.1.>
- 8 3. Page 25, by striking lines 3 through 10 and
- 9 inserting:
- 10 <2. Except as provided in subsection 3, it shall
- 11 be unlawful for a person to establish or maintain a
- 12 baited area on any public or private property, or to
- 13 knowingly allow another person to establish or maintain
- 14 a baited area on private property in the state under
- 15 the person's lawful control. It shall be unlawful for
- 16 a person to hunt, take, or attempt to take any wildlife
- 17 on or in a baited area.>
- 18 4. Page 26, after line 9 by inserting:
- 19 <3A. When entering private property, a person
- 20 who is an official or agent of the department, or a
- 21 person accompanying such an official or agent of the
- 22 department shall comply with the provisions of section
- 23 455B.103. The person shall also comply with standard
- 24 biosecurity requirements customarily required by
- 25 the owner of livestock on the property and which are
- 26 necessary in order to control the spread of disease
- 27 among a livestock or wildlife population.>
- 28 5. Page 26, lines 14 and 15, by striking <feeding
- 29 or baiting of wildlife> and inserting <establishment or
- 30 maintenance of a baited area>
- 31 6. By renumbering as necessary.

JOE M. SENG

**S-5204**

- 1 Amend House File 2461, as passed by the House, as
- 2 follows:
- 3 1. Page 2, line 4, by striking <shall either> and
- 4 inserting <may>
- 5 2. Page 2, by striking lines 6 and 7 and inserting
- 6 <subsection.>
- 7 3. Page 2, line 11, by striking <shall> and
- 8 inserting <may>
- 9 4. Page 2, by striking lines 12 and 13 and
- 10 inserting <board.>

RANDY FEENSTRA

**S-5205**

1 Amend House File 2466, as passed by the House, as  
2 follows:  
3 1. Page 3, after line 21 by inserting:  
4 <Sec. \_\_\_\_ NEW SECTION. 321.179 Driver education —  
5 teaching parent.  
6 1. Teaching parent. As an alternative to the  
7 driver education requirements under section 321.178,  
8 a teaching parent may instruct a student in a driver  
9 education course that meets the requirements of this  
10 section and provide evidence that the requirements  
11 under this section have been met.  
12 2. Definitions. For purposes of this section:  
13 a. "Approved course" means driver education  
14 curriculum approved by the department pursuant to rules  
15 adopted under chapter 17A. An approved course shall,  
16 at a minimum, meet the requirements of subsection 3  
17 and be appropriate for teaching-parent-directed driver  
18 education and related street or highway instruction.  
19 Driver education materials that meet or exceed  
20 standards established by the department for an approved  
21 course in driver education for a public or private  
22 school shall be approved unless otherwise determined by  
23 the department. The list of approved courses shall be  
24 posted on the department's internet website.  
25 b. "Student" means a person between the ages of  
26 fourteen and twenty-one years who is within the custody  
27 and control of the teaching parent and who satisfies  
28 preliminary licensing requirements of the department.  
29 c. "Teaching parent" means a parent, guardian,  
30 or legal custodian of a student who is currently  
31 providing competent private instruction to the student  
32 pursuant to section 299A.2 or 299A.3 and who provided  
33 such instruction to the student during the previous  
34 year; who has a valid driver's license, other than a  
35 motorized bicycle license or a temporary restricted  
36 license, that permits unaccompanied driving; and who  
37 has maintained a clear driving record for the previous  
38 two years. For purposes of this paragraph, "clear  
39 driving record" means the individual has not been  
40 identified as a candidate for suspension of a driver's  
41 license under the habitual offender provisions of the  
42 department's regulations; is not subject to a driver's  
43 license suspension, revocation, denial, cancellation,  
44 disqualification, or bar; and has no record of a  
45 conviction for a moving traffic violation determined to  
46 be the cause of a motor vehicle accident.  
47 3. Course of instruction.  
48 a. An approved course administered by a teaching  
49 parent shall consist of, but not be limited to, the  
50 following:

Page 2

- 1 (1) Thirty clock hours of classroom instruction.
- 2 (2) Forty hours of street or highway driving
- 3 including four hours of driving after sunset and before
- 4 sunrise while accompanied by the teaching parent.
- 5 (3) Four hours of classroom instruction concerning
- 6 substance abuse.
- 7 (4) A minimum of twenty minutes of instruction
- 8 concerning railroad crossing safety.
- 9 (5) Instruction relating to becoming an organ
- 10 donor under the revised uniform anatomical gift Act as
- 11 provided in chapter 142C.
- 12 (6) Instruction providing an awareness about
- 13 sharing the road with bicycles and motorcycles.
- 14 b. The content of the course of instruction
- 15 required under this subsection shall be equivalent
- 16 to that required under section 321.178. However,
- 17 reference and study materials, physical classroom
- 18 requirements, and extra vehicle safety equipment
- 19 required for instruction under section 321.178 shall
- 20 not be required for the course of instruction provided
- 21 under this section.
- 22 4. Course completion and certification. Upon
- 23 application by a student for an intermediate license,
- 24 the teaching parent shall provide evidence showing
- 25 the student's completion of an approved course and
- 26 substantial compliance with the requirements of
- 27 subsection 3 by affidavit signed by the teaching
- 28 parent on a form to be provided by the department. The
- 29 evidence shall include all of the following:
- 30 a. Documentation that the instructor is a teaching
- 31 parent as defined in subsection 2.
- 32 b. Documentation that the student is receiving
- 33 competent private instruction under section 299A.2
- 34 or the name of the school district within which the
- 35 student is receiving instruction under section 299A.3.
- 36 c. The name of the approved course completed by the
- 37 student.
- 38 d. An affidavit attesting to satisfactory
- 39 completion of course work and street or highway driving
- 40 instruction.
- 41 e. Copies of written tests completed by the
- 42 student.
- 43 f. A statement of the number of classroom hours of
- 44 instruction.
- 45 g. A log of completed street or highway driving
- 46 instruction including the dates when the lessons were
- 47 conducted, the student's and the teaching parent's name
- 48 and initials noted next to each entry, notes on driving
- 49 activities including a list of driving deficiencies and
- 50 improvements, and the duration of the driving time for

Page 3

1 each session.  
2 5. Intermediate license. Any student who  
3 successfully completes an approved course as  
4 provided in this section, passes a driving test to  
5 be administered by the department, and is otherwise  
6 qualified under section 321.180B, subsection 2, shall  
7 be eligible for an intermediate license pursuant  
8 to section 321.180B. Twenty of the forty hours of  
9 street or highway driving instruction required under  
10 subsection 3, paragraph "a", subparagraph (2), may  
11 be utilized to satisfy the requirement of section  
12 321.180B, subsection 2.  
13 6. Full license. A student must comply with  
14 section 321.180B, subsection 4, to be eligible for a  
15 full driver's license pursuant to section 321.180B.  
16 Sec. \_\_\_\_\_. Section 321.180B, subsection 2, Code  
17 2009, is amended to read as follows:  
18 2. Intermediate license.  
19 a. The department may issue an intermediate  
20 driver's license to a person sixteen or seventeen years  
21 of age who possesses an instruction permit issued  
22 under subsection 1 or a comparable instruction permit  
23 issued by another state for a minimum of six months  
24 immediately preceding application, and who presents  
25 an affidavit signed by a parent or guardian on a form  
26 to be provided by the department that the permittee  
27 has accumulated a total of twenty hours of street or  
28 highway driving of which two hours were conducted after  
29 sunset and before sunrise and the street or highway  
30 driving was with the permittee's parent, guardian,  
31 instructor, a person certified by the department,  
32 or a person at least twenty-five years of age who  
33 had written permission from a parent or guardian to  
34 accompany the permittee, and whose driving privileges  
35 have not been suspended, revoked, or barred under  
36 this chapter or chapter 321J during, and who has been  
37 accident and violation free continuously for, the  
38 six-month period immediately preceding the application  
39 for an intermediate license. An applicant for an  
40 intermediate license must meet the requirements of  
41 section 321.186, including satisfactory completion of  
42 driver education as required in section 321.178 or  
43 321.179, and payment of the required license fee before  
44 an intermediate license will be issued.  
45 b. A person issued an intermediate license must  
46 limit the number of passengers in the motor vehicle  
47 when the intermediate licensee is operating the motor  
48 vehicle to the number of passenger safety belts.  
49 c. Except as otherwise provided, a person issued  
50 an intermediate license under this subsection who

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1 is operating a motor vehicle between the hours of  
2 twelve-thirty a.m. and five a.m. must be accompanied  
3 by a person issued a driver's license valid for the  
4 vehicle operated who is the parent or guardian of  
5 the permittee, a member of the permittee's immediate  
6 family if the family member is at least twenty-one  
7 years of age, an approved driver education instructor,  
8 a prospective driver education instructor who is  
9 enrolled in a practitioner preparation program with a  
10 safety education program approved by the state board of  
11 education, or a person at least twenty-five years of  
12 age if written permission is granted by the parent or  
13 guardian, and who is actually occupying a seat beside  
14 the driver. However, a licensee may operate a vehicle  
15 to and from school-related extracurricular activities  
16 and work without an accompanying driver between the  
17 hours of twelve-thirty a.m. and five a.m. if such  
18 licensee possesses a waiver on a form to be provided by  
19 the department. An accompanying driver is not required  
20 between the hours of five a.m. and twelve-thirty a.m.>  
21 2. Page 3, line 23, by striking <This Act> and  
22 inserting <The section of this Act amending section  
23 321.178,>  
24 3. Title page line 1, after <relating to> by  
25 inserting <driver's education, including teaching  
26 parents and>  
27 4. By renumbering as necessary.

JAMES F. HAHN

## S-5206

1 Amend House File 2399, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, before line 1 by inserting:  
4 <Section 1. Section 476.6, subsection 16, paragraph  
5 b, Code Supplement 2009, is amended to read as follows:  
6 b. A gas and electric utility required to be  
7 rate-regulated under this chapter shall assess  
8 potential energy and capacity savings available  
9 from actual and projected customer usage by applying  
10 commercially available technology and improved  
11 operating practices to energy-using equipment  
12 and buildings. A utility that was subject to a  
13 revenue sharing settlement agreement with regard  
14 to its electric base rates as of January 1, 2010,  
15 shall also assess projected energy demand for the  
16 succeeding twenty-year period, options for meeting  
17 the projected demand including but not limited to  
18 energy efficiency, cogeneration of electricity and

19 transmission improvements, and projected environmental  
20 impacts during the period, including greenhouse gas  
21 emissions. The utility shall submit the assessment to  
22 the board. Upon receipt of the assessment, the board  
23 shall consult with the office of energy independence  
24 to develop specific capacity and energy savings  
25 performance standards for each utility. The utility  
26 shall submit an energy efficiency plan which shall  
27 include economically achievable programs designed  
28 to attain these energy and capacity performance  
29 standards. The board shall periodically report the  
30 energy efficiency results including energy savings of  
31 each utility to the general assembly.>  
32 2. Title page, line 1, after <Act> by inserting  
33 <relating to public utilities by>  
34 3. Title page, line 6, after <facility,> by  
35 inserting <requiring projected energy demand and  
36 environmental impact assessments,>  
37 4. By renumbering as necessary.

ROBERT M. HOGG

**S-5207**

1 Amend Senate File 2367 as follows:  
2 1. Page 14, after line 18 by inserting:  
3 <Sec. \_\_\_\_ FOOD CODE — CONTINUATION OF WAIVER  
4 POLICY. The waiver policy of the department  
5 of inspections and appeals allowing some food  
6 establishment franchises to continue the use of certain  
7 cooking apparatus for ground meat until such food  
8 establishment franchises are sold, as outlined in the  
9 letter from the department's director dated June 15,  
10 2006, shall continue in force unless specifically  
11 eliminated by statute.>  
12 2. Page 20, before line 4 by inserting:  
13 <Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
14 APPLICABILITY. The section of this division of this  
15 Act directing the department of inspections and appeals  
16 to continue a waiver policy, being deemed of immediate  
17 importance, takes effect upon enactment and applies  
18 retroactively to June 22, 2007.>  
19 3. Title page, line 4, after <atters> by inserting  
20 <, and including effective date and retroactive  
21 applicability provisions>  
22 4. By renumbering as necessary.

STEVEN J. SODDERS

**S-5208**

- 1 Amend House File 2473, as passed by the House, as  
2 follows:
- 3 1. Page 1, line 9, by striking <marker> and  
4 inserting <monument, as defined in section 355.1.>  
5 2. Page 1, line 12, by striking <marker> and  
6 inserting <monument>  
7 3. Page 1, line 19, by striking <marker> and  
8 inserting <monument>  
9 4. Page 1, line 20, by striking <marker> and  
10 inserting <monument>

KEITH A. KREIMAN

**S-5209**

- 1 Amend House File 2110, as passed by the House, as  
2 follows:
- 3 1. Page 1, by striking lines 3 through 9 and  
4 inserting:  
5 <NEW PARAGRAPH. b. (1) The individual left  
6 employment because the individual's spouse was  
7 relocated due to a military assignment in another  
8 area for one hundred eighty days or more, and the  
9 individual's employer has no work available in the new  
10 area.  
11 (2) The exception in subparagraph (1) only applies  
12 if the individual's spouse is any of the following:  
13 (a) A member of the national guard or organized  
14 reserves of the armed forces of the United States  
15 ordered to temporary duty, as described in section  
16 29A.1, subsection 3, 11, or 12, for any purpose.  
17 (b) A member of the civil air patrol performing  
18 duty pursuant to section 29A.3A.  
19 (3) The exception in subparagraph (1) only applies  
20 if the individual demonstrates financial and family  
21 hardship.  
22 (4) The employer's account shall not be charged for  
23 any benefits paid to an individual under this paragraph  
24 "b". Relief of charges under this subparagraph applies  
25 to both contributory and reimbursable employers,  
26 notwithstanding section 96.8, subsection 5.>

RON WIECK  
JAMES A. SEYMOUR  
JERRY BEHN  
HUBERT HOUSER  
RANDY FEENSTRA  
NANCY J. BOETTGER  
PAT WARD  
KIM REYNOLDS



DAVID JOHNSON  
 BRAD ZAUN  
 TIM L. KAPUCIAN  
 STEVE KETTERING  
 LARRY NOBLE  
 JAMES F. HAHN  
 SHAWN HAMERLINCK

**S-5210**

- 1 Amend House File 2432, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 9, after <administrators> by
- 4 inserting <in Iowa>

DAVID JOHNSON

**S-5211**

- 1 Amend Senate File 2367 as follows:
- 2 1. Page 1, by striking line 13 and inserting:
- 3 <..... \$ 2,053,209>
- 4 2. Page 2, by striking lines 16 through 20.
- 5 3. Page 2, line 22, by striking <1.>
- 6 4. Page 2, by striking lines 29 through 35.
- 7 5. Page 7, line 26, by striking <72.00> and
- 8 inserting <79.00>
- 9 6. Page 11, line 18, by striking <39.25> and
- 10 inserting <37.25>
- 11 7. Page 11, by striking lines 19 through 21.
- 12 8. Page 11, by striking lines 32 and 33 and
- 13 inserting:
- 14 <..... \$ 1,365,570
- 15 ..... FTEs 56.00
- 16 The department, in coordination with the
- 17 investigations division, shall provide a report to
- 18 the general assembly by January 10, 2011, concerning
- 19 the fiscal impact of additional full-time equivalent
- 20 positions on the department's efforts relative to the
- 21 Medicaid divestiture program under chapter 249F.>
- 22 9. Page 12, by striking lines 3 and 4 and
- 23 inserting:
- 24 <..... \$ 4,030,108
- 25 ..... FTEs 134.75>
- 26 10. Page 12, by striking lines 24 through 26.
- 27 11. Page 14, after line 18 by inserting:
- 28 <Sec. \_\_\_\_ DEPARTMENT OF INSPECTIONS AND APPEALS —
- 29 HEALTH CARE FACILITIES INSPECTIONS Notwithstanding
- 30 any provision of section 135C.16 to the contrary,
- 31 inspections of health care facilities that are only
- 32 state-licensed and not certified under the Medicare
- 33 or Medicaid programs shall not be inspected by the

34 department of inspections and appeals every thirty  
 35 months, but only as provided pursuant to sections  
 36 135C.9 and 135C.38.>  
 37 12. Page 14, by striking lines 30 through 35.  
 38 13. Page 15, line 1, by striking <3.> and inserting  
 39 <2.>  
 40 14. Page 16, by striking line 24 and inserting:  
 41 <..... \$ 4,881,860>  
 42 15. Page 19, by striking lines 33 and 34 and  
 43 inserting:  
 44 <..... \$ 647,014  
 45 ..... FTEs 12.00>  
 46 16. Page 20, line 9, by striking <subsections> and  
 47 inserting <subsection>  
 48 17. Page 20, by striking lines 13 and 14.  
 49 18. Page 22, after line 17 by inserting:  
 50 <DIVISION \_\_\_\_

Page 2

1 DEPARTMENT OF ADMINISTRATIVE SERVICES PROVISIONS  
 2 Sec. \_\_\_\_ Section 8A.207, subsection 4, paragraph  
 3 c, Code 2009, is amended to read as follows:  
 4 c. Contracts let by another governmental  
 5 entity. The department, on its own behalf or on the  
 6 behalf of another participating agency or governmental  
 7 entity, may procure information technology by  
 8 leveraging existing competitively procured contracts  
 9 or under a contract let by another agency or other  
 10 governmental entity, or may approve such procurement  
 11 in the same manner by a participating agency or  
 12 governmental entity.  
 13 Sec. \_\_\_\_ NEW SECTION. 8A.315A Purchase of  
 14 chain-of-custody paper.  
 15 1. Notwithstanding any requirements under section  
 16 8A.315 related to the purchase of recycled paper  
 17 to the contrary, the department may use certified  
 18 chain-of-custody paper as provided in this section in  
 19 lieu of recycled paper. The department shall adopt  
 20 rules related to the use of chain-of-custody paper.  
 21 2. As used in this section, unless the context  
 22 otherwise requires, “certified chain-of-custody paper”  
 23 means paper that has been certified pursuant to a  
 24 process that tracks and records the possession and  
 25 transfer of wood and fiber used to make paper through  
 26 the different states of production to the end user of  
 27 the paper. The department shall adopt rules defining  
 28 “certified chain-of-custody paper” consistent with the  
 29 certification requirements established by independent  
 30 entities such as the forest stewardship council,  
 31 sustainable forest initiative, or other similar entity.  
 32 Sec. \_\_\_\_ Section 8A.454, subsection 4, Code

33 Supplement 2009, is amended by striking the subsection.

34 Sec. \_\_\_\_ VEHICLE DEPRECIATION FUNDS.

35 Notwithstanding any provision of section 8A.365 to the  
36 contrary, a department or agency otherwise required to  
37 pay a depreciation expense pursuant to that section  
38 shall not be required to pay the depreciation expense  
39 during the fiscal year beginning July 1, 2010, and  
40 ending June 30, 2011. However, the department of  
41 administrative services may encourage departments or  
42 agencies otherwise required to pay a depreciation  
43 expense to make voluntary payments in an effort to  
44 maintain the state fleet in the most cost-efficient  
45 manner possible, including the future replacement of  
46 vehicles, as necessary and appropriate.

47 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT. The section  
48 of this division of this Act amending section 8A.454,  
49 being deemed of immediate importance, takes effect upon  
50 enactment.

Page 3

1 DIVISION \_\_\_\_  
2 MEDICATION THERAPY MANAGEMENT  
3 Sec. \_\_\_\_ NEW SECTION. 514C.26 Medication therapy  
4 management coverage — repeal.  
5 1. Notwithstanding the uniformity of treatment  
6 requirements of section 514C.6, a group plan  
7 established pursuant to chapter 509A for employees  
8 of the state providing for third-party payment or  
9 prepayment for health or medical expenses that include  
10 pharmaceutical benefits shall provide coverage for  
11 medication therapy management in accordance with this  
12 section. The provisions of this section shall apply  
13 to plans established pursuant to chapter 509A for  
14 employees of the state, except plans established for  
15 employees of the state board of regents or institutions  
16 under the state board of regents, that are delivered,  
17 issued for delivery, continued, or renewed in this  
18 state on or after January 1, 2011.  
19 2. As used in this section, “medication therapy  
20 management” means a systematic process performed by a  
21 licensed pharmacist, designed to optimize therapeutic  
22 outcomes through improved medication use and reduced  
23 risk of adverse drug events, including all of the  
24 following services:  
25 a. A medication therapy review of all medications,  
26 vitamins, and herbal supplements currently being taken  
27 by an eligible individual.  
28 b. A medication action plan, subject to the  
29 limitations specified in this section, communicated  
30 to the individual and the individual’s primary care  
31 physician or other appropriate prescriber to address

32 safety issues, inconsistencies, duplicative therapy,  
33 omissions, and medication costs. The medication action  
34 plan may include recommendations to the prescriber for  
35 changes in drug therapy.

36 c. Documentation and follow-up to ensure consistent  
37 levels of pharmacy services and positive outcomes.

38 3. a. Medication therapy management shall be a  
39 covered benefit for any of the following individuals:

40 (1) An individual who has a prescription drug  
41 therapy problem as identified by the prescribing  
42 physician or other appropriate prescriber, and is  
43 referred to a pharmacist for medication therapy  
44 management.

45 (2) An individual who meets other criteria  
46 established by the third-party payment provider  
47 contract, policy, or plan.

48 b. The fees for medication therapy management  
49 services shall be separate from the reimbursement for  
50 prescription drug product or dispensing services; shall

Page 4

1 be determined by each third-party payment provider  
2 contract, policy, or plan; and shall be reasonable  
3 based on the resources and time required to provide the  
4 services.

5 c. If any part of the medication therapy management  
6 plan developed by a pharmacist incorporates services  
7 which are outside the pharmacist's independent scope  
8 of practice including the initiation of therapy,  
9 modification of dosages, therapeutic interchange, or  
10 changes in drug therapy, the express authorization  
11 of the individual's physician or other appropriate  
12 prescriber is required.

13 4. Medication therapy management services shall  
14 be provided through a contract, established through a  
15 request for proposals process, with a company located  
16 in this state that is a nationally recognized leader  
17 in and has a minimum of ten years of experience  
18 administering medication therapy management services.  
19 The contract shall require the company to provide  
20 annual reports to the general assembly detailing the  
21 costs, savings, estimated cost avoidance and return  
22 on investment, and patient outcomes related to the  
23 medication therapy management services provided.  
24 The company shall guarantee annual estimated cost  
25 avoidance at least equal to the program's costs with  
26 any shortfall amount refunded to the state. As a proof  
27 of concept in the program for the period beginning  
28 January 1, 2011, and ending December 31, 2011, the  
29 company shall offer a dollar-for-dollar guarantee for  
30 drug product costs savings alone.

31 5. This section shall not apply to accident-only,  
 32 specified disease, short-term hospital or medical,  
 33 hospital confinement indemnity, credit, dental, vision,  
 34 Medicare supplement, long-term care, basic hospital,  
 35 and medical-surgical expense coverage as defined  
 36 by the commissioner, disability income insurance  
 37 coverage, coverage issued as a supplement to liability  
 38 insurance, workers' compensation or similar insurance,  
 39 or automobile medical payment insurance, or individual  
 40 accident and sickness policies issued to individuals or  
 41 to individual members of a member association.

42 6. This section is repealed June 30, 2012.

43 DIVISION \_\_\_\_

44 BANKING DIVISION PROVISIONS

45 Sec. \_\_\_\_ Section 524.814, Code 2009, is amended by  
 46 adding the following new subsection:

47 NEW SUBSECTION. 1A. To secure transactions to  
 48 hedge risks associated with interest rate exposure,  
 49 subject to the approval of the superintendent.

50 DIVISION \_\_\_\_

Page 5

1 FLOOD PLAIN MANAGEMENT

2 Sec. \_\_\_\_ NEW SECTION. 455B.276A Two-tenths  
 3 percent flood plain — model ordinance.

4 1. By December 31, 2010, the department, in  
 5 consultation with the rebuild Iowa office, the division  
 6 of homeland security and emergency management of  
 7 the department of public defense, the Iowa league of  
 8 cities, conservation districts of Iowa, and the Iowa  
 9 state association of counties, shall develop a model  
 10 ordinance for the regulation of a two-tenths percent  
 11 flood plain by political subdivisions. The department  
 12 shall consider including all of the following in the  
 13 model ordinance:

- 14 a. Requirements, if any, for the purchase of flood  
 15 insurance for property.
  - 16 b. Requirements, if any, for new development or  
 17 modification or improvement of existing development to  
 18 mitigate the effects of future flooding.
  - 19 c. The effect of flood control levees.
  - 20 d. The use of fill and offsets required for the use  
 21 of fill.
  - 22 e. Categories of development that should be  
 23 prohibited.
  - 24 f. Interaction with regulations by the federal  
 25 emergency management agency.
  - 26 g. Any other issues that the department finds  
 27 should be addressed in the model ordinance.
- 28 2. For purposes of this section, the two-tenths  
 29 percent flood plain includes a two-tenths percent

30 flood plain identified on a flood insurance rate map  
 31 certified by the federal emergency management agency  
 32 or, if a certified flood insurance rate map is not  
 33 available, on a map developed or approved by the  
 34 department.  
 35 Sec. \_\_. NEW SECTION. 466.10 Hydrological tiling  
 36 study.  
 37 The department of agriculture and land stewardship  
 38 shall conduct a hydrological tiling study in  
 39 conjunction with hydrology experts from the Iowa  
 40 flood center and Iowa state university of science and  
 41 technology to determine the impact tile drainage has  
 42 on infiltration, surface runoff, and flooding and to  
 43 evaluate the feasibility of seasonal retention of  
 44 water in tile drained fields as a drainage management  
 45 strategy. The impact of potholes, wetlands, and water  
 46 retention structures shall also be considered in the  
 47 study.  
 48 Sec. \_\_. Section 466B.3, subsection 6, paragraph  
 49 c, Code Supplement 2009, is amended to read as follows:  
 50 c. The council shall develop recommendations for

Page 6

1 policies and funding promoting a watershed management  
 2 approach to reduce the adverse impact of future  
 3 flooding on this state's residents, businesses,  
 4 communities, and soil and water quality. ~~Policy~~  
 5 ~~and funding recommendations shall be submitted to~~  
 6 ~~the governor and the general assembly not later~~  
 7 ~~than November 15, 2009.~~ The council shall consider  
 8 policies and funding options for various strategies  
 9 to reduce the impact of flooding including but not  
 10 limited to additional floodplain regulation; wetland  
 11 protection, restoration, and construction; the  
 12 promulgation and implementation of statewide storm  
 13 water management standards; conservation easements  
 14 and other land management; perennial ground cover and  
 15 other agricultural conservation practices; pervious  
 16 pavement, bioswales, and other urban conservation  
 17 practices; and permanent or temporary water retention  
 18 structures. In developing recommendations, the council  
 19 shall consult with hydrological and land use experts,  
 20 representatives of cities, counties, drainage and levee  
 21 districts, agricultural interests, and soil and water  
 22 conservation districts, and other urban and regional  
 23 planning experts.  
 24 Sec. \_\_. Section 466B.3, subsection 6, Code  
 25 Supplement 2009, is amended by adding the following new  
 26 paragraph:  
 27 NEW PARAGRAPH. d. The council shall develop  
 28 recommendations for watershed governance including but

29 not limited to assigning responsibility for assessment  
30 of flood risk, assessment and prioritization of options  
31 for reducing flood risk, allocation of flood reduction  
32 resources, operation of controlled water retention  
33 structures, and the purchase of land or easements by  
34 cities pursuant to section 364.4. The council shall  
35 submit recommendations to the governor and the general  
36 assembly not later than November 15, 2010.

37 Sec. \_\_\_\_ Section 466B.4, subsection 2, Code  
38 Supplement 2009, is amended to read as follows:

39 2. Marketing campaign. The water resources  
40 coordinating council shall develop a marketing campaign  
41 to educate Iowans about the need to take personal  
42 responsibility for the quality and quantity of water in  
43 their local watersheds. The emphasis of the campaign  
44 shall be that not only is everyone responsible for  
45 clean water, but that everyone benefits from it as  
46 well, and that everyone is responsible for and benefits  
47 from reducing the risk for flooding and mitigating  
48 possible future flood damage. The goals of the  
49 campaign shall be to convince Iowans to take personal  
50 responsibility for clean water and reducing the risk of

Page 7

1 flooding and to equip them with the tools necessary to  
2 effect change through local water quality improvement  
3 projects and better flood plain management and flood  
4 risk programs.

5 Sec. \_\_\_\_ **NEW SECTION.** 466B.10 Watershed  
6 demonstration pilot projects.

7 The department of natural resources and the  
8 department of agriculture and land stewardship, in  
9 collaboration with the United States department of  
10 agriculture's natural resources conservation service  
11 and the Iowa flood center established pursuant to  
12 section 466C.1, and in cooperation with the council,  
13 shall seek funding to plan, implement, and monitor  
14 one or more watershed demonstration pilot projects  
15 for urban and rural areas involving a twelve-digit  
16 hydrologic unit code subwatershed as defined by the  
17 United States geological survey. The pilot projects  
18 shall include features that seek to do all of the  
19 following:

- 20 1. Maximize soil water holding capacity from  
21 precipitation.
- 22 2. Minimize severe scour erosion and sand  
23 deposition during floods.
- 24 3. Manage water runoff in uplands under saturated  
25 soil moisture conditions.
- 26 4. Reduce and mitigate structural and nonstructural  
27 flood damage.

28 Sec. \_\_\_\_ NEW SECTION. 466B.11 Flood plain  
29 managers.

30 The council shall encourage and support the  
31 formation of a chapter of the association of state  
32 flood plain managers in Iowa that would provide a  
33 vehicle for local flood plain managers and flood plain  
34 planners to further pursue professional educational  
35 opportunities.

36 Sec. \_\_\_\_ NEW SECTION. 466B.12 Flood education.

37 The Iowa state university agricultural extension  
38 service, the council, and agency members of the council  
39 shall work with flood plain and hydrology experts to  
40 educate the general public about flood plains, flood  
41 risks, and basic flood plain management principles.  
42 This educational effort shall include all of the  
43 following:

44 1. Developing a statewide soil moisture monitoring  
45 network for assessing flood risk through the Iowa  
46 water center of Iowa state university of science and  
47 technology and the Leopold center for sustainable  
48 agriculture established in section 266.39, and make  
49 extensive use of existing tools and knowledge focused  
50 on soil health, specifically the soil conditioning

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1 index of the United States department of agriculture's  
2 natural resources conservation service as a common  
3 metric for improved agronomic and conservation  
4 practices.

5 2. Developing educational materials and programs in  
6 consultation with flood plain experts.

7 3. Expanding use of existing integrated farm and  
8 land resource management tools to assist planners,  
9 landowners, and farmers in planning and creating  
10 infiltration systems to accommodate rainfalls of at  
11 least one and one-quarter inch and support conservation  
12 and business planning.

13 Sec. \_\_\_\_ NEW SECTION. 466B.13 Conservation  
14 practice criteria.

15 The department of agriculture and land stewardship,  
16 in cooperation with the council, shall work with the  
17 United States department of agriculture's natural  
18 resources conservation service to reassess criteria for  
19 soil and water conservation practices as defined in  
20 section 161A.42 due to changing precipitation patterns  
21 and extreme weather events. This shall include all of  
22 the following technical standards and manuals:

23 1. The field office technical guide of the natural  
24 resources conservation service for conservation  
25 criteria.

26 2. The engineering field manual of the natural



27 resources conservation service for design criteria.>

28 19. By renumbering as necessary.

JEFF DANIELSON

**S-5212**

1 Amend House File 2399, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, before line 1 by inserting:  
 4 <Section 1. Section 476.6, subsection 16, paragraph  
 5 b, Code Supplement 2009, is amended to read as follows:  
 6 b. A gas and electric utility required to be  
 7 rate-regulated under this chapter shall assess  
 8 potential energy and capacity savings available  
 9 from actual and projected customer usage by applying  
 10 commercially available technology and improved  
 11 operating practices to energy-using equipment and  
 12 buildings. The utility shall also assess projected  
 13 energy demand for the succeeding twenty-year period,  
 14 options for meeting the projected demand including  
 15 but not limited to energy efficiency, cogeneration  
 16 of electricity and transmission improvements, and  
 17 projected environmental impacts during the twenty-year  
 18 period, including greenhouse gas emissions. The  
 19 utility shall submit the assessment to the board. Upon  
 20 receipt of the assessment, the board shall consult with  
 21 the office of energy independence to develop specific  
 22 capacity and energy savings performance standards  
 23 for each utility. The utility shall submit an energy  
 24 efficiency plan which shall include economically  
 25 achievable programs designed to attain these energy  
 26 and capacity performance standards. The board shall  
 27 periodically report the energy efficiency results  
 28 including energy savings of each utility to the general  
 29 assembly.>  
 30 2. Title page, line 1, after <Act> by inserting  
 31 <relating to public utilities by>  
 32 3. Title page, line 6, after <facility,> by  
 33 inserting <requiring projected energy demand and  
 34 environmental impact assessments,>  
 35 4. By renumbering as necessary.

ROBERT M. HOGG

**S-5213**

1 Amend House File 2399, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, before line 4 by inserting:  
 4 <Sec. \_\_\_\_ Section 476.44A, Code 2009, is amended  
 5 to read as follows:  
 6 476.44A Trading of credits — prior approval.

7 The board may establish or participate in a program  
 8 to track, record, and verify the trading of credits  
 9 or attributes relating to electricity generated from  
 10 alternate energy production facilities or renewable  
 11 energy sources among electric generators, utilities,  
 12 and other interested entities, within this state and  
 13 with similar entities in other states. The trading or  
 14 sale of credits or attributes shall be subject to prior  
 15 approval by the board.>

16 2. Title page, line 6, after <facility,> by  
 17 inserting <requiring approval prior to the trading or  
 18 sale of specified credits,>

ROBERT M. HOGG

### S-5214

1 Amend House File 2399, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 2, after line 3 by inserting:

4 <d. Notwithstanding paragraph "b", a rider as  
 5 described in that paragraph shall not be applicable  
 6 to any customer who is certified eligible for the  
 7 low-income home energy assistance program administered  
 8 by the division of community action agencies of the  
 9 department of human rights.>

ROBERT M. HOGG

### S-5215

1 Amend House File 2399, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 2, before line 4 by inserting:

4 <Sec. \_\_\_\_ NEW SECTION. 476.8A Carbon emission  
 5 offsets.

6 1. The board shall require any new or expanded  
 7 fossil fuel electric generating and transmission  
 8 facility to offset its projected carbon emissions  
 9 and shall, in conjunction with the department of  
 10 natural resources, make a determination that the  
 11 new or expanded facility is not contributing to an  
 12 increase in the emission rate of greenhouse gases in  
 13 providing electricity to customers in this state.

14 For the purposes of this section, "greenhouse gases"  
 15 means gases identified by the board, including but not  
 16 limited to carbon dioxide, methane, and nitrous oxide.

17 2. A utility may utilize any of the following  
 18 methods for purposes of meeting the requirements of  
 19 subsection 1:

20 a. Reducing greenhouse gas emissions at the  
 21 facility.

22 b. Reducing greenhouse gas emissions at other

23 facilities owned by the utility.  
 24 c. Offsetting greenhouse gas emissions through  
 25 the use of energy conservation or energy efficiency  
 26 measures.  
 27 d. Offsetting greenhouse gas emissions through the  
 28 production of energy from wind, solar, biomass, or  
 29 geothermal sources.  
 30 e. Providing for sequestration of carbon dioxide.  
 31 f. Purchasing credits for greenhouse gas emissions  
 32 reductions.  
 33 g. Any other method approved by the board.>  
 34 2. Title page, line 6, after <facilities,> by  
 35 inserting <requiring carbon emission offsets for  
 36 specified new or expanded fossil fuel electric  
 37 generating and transmission facilities,>

ROBERT M. HOGG

## S-5216

1 Amend House File 2399, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 2, line 11, after <state> by inserting <  
 4 and to attain a total nameplate capacity for installed  
 5 wind generation of ten gigawatts by the year 2020 and  
 6 twenty gigawatts by the year 2030>  
 7 2. Page 2, after line 34 by inserting:  
 8 <3. Rate-regulated public utilities shall make  
 9 standard offers to purchase electricity from renewable  
 10 energy producers that have applied for or are approved  
 11 to utilize a tax credit under chapter 476B or 476C.  
 12 The standard offers shall continue in effect for  
 13 a twenty-year period and provide for the renewable  
 14 energy producer's cost of development for the renewable  
 15 energy facility plus a reasonable profit. The offers  
 16 shall not contain any provisions that would provide  
 17 an unreasonable burden or barrier to the development  
 18 of the renewable energy facility. The initial  
 19 standard offer shall be seven and one-half cents per  
 20 kilowatt-hour and shall be applicable on the effective  
 21 date of this Act. By January 1, 2012, the board may,  
 22 by rule, modify the standard offer as long as such  
 23 modification continues to provide for the producer's  
 24 cost of development plus a reasonable profit.>  
 25 3. Page 2, line 35, by striking <4. 3.> and  
 26 inserting <4.>  
 27 4. Title page, line 6, after <facility,> by  
 28 inserting <requiring purchase offers by rate-regulated  
 29 public utilities to specified energy producers,>

JOHN P. KIBBIE  
 DARYL BEALL  
 JOE BOLKCOM

**S-5217**

1 Amend Senate File 2364 as follows:

2 1. Page 1, before line 1 by inserting:

3 <DIVISION I

4 CHILD ABUSE PREVENTION CHECKOFF>

5 2. Page 2, line 9, before <Act> by inserting

6 <division of this>

7 3. Page 2, before line 12 by inserting:

8 <DIVISION \_\_\_\_

9 RED CROSS NATURAL DISASTER RELIEF CHECKOFF

10 Sec. \_\_\_\_ NEW SECTION. 29C.8B American red cross

11 natural disaster relief fund for Iowa chapters.

12 1. An American red cross natural disaster relief  
13 fund for Iowa chapters is created in the office of the  
14 treasurer under the control of the homeland security  
15 and emergency management division of the department  
16 of public defense. The fund is composed of moneys  
17 appropriated or available to and obtained or accepted  
18 by the treasurer of the state for deposit in the fund.

19 The fund shall include moneys transferred to the fund  
20 as provided in section 422.12N, and moneys in the form  
21 of a devise, gift, bequest, donation, or federal or  
22 other grant intended to be used for the purposes of the  
23 fund.

24 2. Notwithstanding section 12C.7, subsection 2, all  
25 interest or earnings on moneys in the fund shall be  
26 credited to and remain in the fund. Section 8.33 does  
27 not apply to moneys in the fund.

28 3. Moneys in the fund that are authorized by the  
29 division for expenditure are appropriated, and shall be  
30 used, for annual distributions to Iowa chapters of the  
31 American red cross solely for the purposes of natural  
32 disaster relief within the state. Natural disaster  
33 relief includes but is not limited to emergency  
34 food, shelter, and clothing for victims of a natural  
35 disaster.

36 Sec. \_\_\_\_ NEW SECTION. 422.12N Income tax checkoff  
37 for American red cross natural disaster relief fund for  
38 Iowa chapters.

39 1. A person who files an individual or a joint  
40 income tax return with the department of revenue under  
41 section 422.13 may designate one dollar or more to be  
42 paid to the American red cross natural disaster relief  
43 fund for Iowa chapters as created in section 29C.8B.  
44 If the refund due on the return or the payment remitted  
45 with the return is insufficient to pay the additional  
46 amount designated by the taxpayer to the American red  
47 cross natural disaster relief fund for Iowa chapters,  
48 the amount designated shall be reduced to the remaining  
49 amount of refund or the remaining amount remitted with  
50 the return. The designation of a contribution to the

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1 American red cross natural disaster relief fund for  
 2 Iowa chapters under this section is irrevocable.  
 3 2. The director of revenue shall draft the income  
 4 tax form to allow the designation of contributions to  
 5 the American red cross natural disaster relief fund  
 6 for Iowa chapters on the tax return. The department  
 7 of revenue, on or before January 31, shall transfer  
 8 the total amount designated on the tax return forms  
 9 due in the preceding calendar year to the American red  
 10 cross natural disaster relief fund for Iowa chapters.  
 11 However, before a checkoff pursuant to this section  
 12 shall be permitted, all liabilities on the books of  
 13 the department of administrative services and accounts  
 14 identified as owing under section 8A.504 and the  
 15 political contribution allowed under section 68A.601  
 16 shall be satisfied.  
 17 3. The homeland security and emergency management  
 18 division may authorize payment of moneys from the  
 19 American red cross natural disaster relief fund for  
 20 Iowa chapters in accordance with section 29C.8B.  
 21 4. The department of revenue shall adopt rules to  
 22 administer this section.  
 23 5. This section is subject to repeal under section  
 24 422.12E.  
 25 Sec. \_\_\_\_ RETROACTIVE APPLICABILITY. The section  
 26 of this division of this Act enacting section 422.12N  
 27 applies retroactively to January 1, 2010, for tax years  
 28 beginning on or after that date.>  
 29 4. Title page, by striking lines 1 through 3 and  
 30 inserting <An Act relating to income tax checkoffs for  
 31 the child abuse prevention program fund and for the  
 32 American red cross natural disaster relief fund for  
 33 Iowa chapters, making an appropriation, and including  
 34 retroactive applicability provisions.>

PAT WARD

**S-5218**

1 Amend House File 2399, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 2, by striking <subsection> and  
 4 inserting <subsections>  
 5 2. Page 1, line 18, by striking <five-tenths> and  
 6 inserting <sixteen hundredths>  
 7 3. Page 2, before line 4 by inserting:  
 8 <NEW SUBSECTION. 23. A rate-regulated electric  
 9 utility that was subject to a revenue sharing  
 10 settlement agreement with regard to its electric base  
 11 rates as of January 1, 2010, shall recover, through

12 a rider and pursuant to a tariff filing made on or  
 13 after the effective date of this Act and through  
 14 December 31, 2013, the reasonable and prudent costs  
 15 incurred in the construction and connection of solar  
 16 electric generating systems or in the study of sites  
 17 for and the planning and development of biomass or  
 18 biomass cogeneration facilities. Cost recovery shall  
 19 be accomplished by instituting a revenue increase  
 20 applied in the same percentage amount to each customer  
 21 class and not designed to recover, on an annual basis,  
 22 more than sixteen hundredths percent of the electric  
 23 utility's calendar year 2009 revenues attributable to  
 24 billed base rates in this state. At the conclusion of  
 25 the cost recovery period, the board shall conduct a  
 26 contested case proceeding pursuant to chapter 17A to  
 27 evaluate the reasonableness and prudence of the cost  
 28 recovery. The utility shall file such information with  
 29 the board as the board deems appropriate, including the  
 30 filing of an annual report identifying and explaining  
 31 expenditures identified in the rider as items for cost  
 32 recovery, and any other information required by the  
 33 board. If the board determines that the utility has  
 34 imprudently incurred costs, or has incurred costs that  
 35 are less than the amount recovered, the board shall  
 36 order the utility to modify the rider to adjust the  
 37 amount recoverable.

38 NEW SUBSECTION. 24. A rate-regulated utility that  
 39 was subject to a revenue sharing settlement agreement  
 40 with regard to its electric base rates as of January  
 41 1, 2010, and which institutes a rate increase for  
 42 cost recovery authorized pursuant to subsection 22,  
 43 shall institute a revenue increase applied in the  
 44 same percentage amount to each customer class and not  
 45 designed to recover, on an annual basis, more than  
 46 sixteen hundredths percent of the electric utility's  
 47 calendar year 2009 revenues attributable to billed base  
 48 rates in this state. The revenue increase shall be  
 49 implemented for a three-year period, and the revenue  
 50 derived therefrom shall be allocated by the utility

Page 2

1 for purposes of providing rebates for energy-efficient  
 2 appliances to that utility's customers. In conjunction  
 3 with the office of energy independence, the utility  
 4 shall make rebates available to its customers who  
 5 applied for a rebate pursuant to a rebate program  
 6 administered by the office. In the event that the  
 7 applications for rebates exceed the amount allocated by  
 8 the utility, the utility shall conduct a lottery among  
 9 the utility's customers for rebate eligibility.>  
 10 4. Title page, line 1, after <Act> by inserting

11 <relating to public utilities by>  
 12 5. Title page, line 6, after <facility,> by  
 13 inserting <providing for cost-recovery for solar  
 14 electric generating system construction and connection,  
 15 providing for cost-recovery for biomass planning and  
 16 development, providing for energy-efficient appliance  
 17 rebates,>

ROBERT M. HOGG

**S-5219**

1 Amend Senate File 2367 as follows:  
 2 1. Page 1, by striking line 13 and inserting:  
 3 <..... \$ 2,053,209>  
 4 2. Page 2, by striking lines 16 through 20.  
 5 3. Page 2, line 22, by striking <1.>  
 6 4. Page 2, by striking lines 29 through 35.  
 7 5. Page 7, line 26, by striking <72.00> and  
 8 inserting <79.00>  
 9 6. Page 11, line 18, by striking <39.25> and  
 10 inserting <37.25>  
 11 7. Page 11, by striking lines 19 through 21.  
 12 8. Page 11, by striking lines 32 and 33 and  
 13 inserting:  
 14 <..... \$ 1,365,570  
 15 ..... FTEs 56.00  
 16 The department, in coordination with the  
 17 investigations division, shall provide a report to  
 18 the general assembly by January 10, 2011, concerning  
 19 the fiscal impact of additional full-time equivalent  
 20 positions on the department's efforts relative to the  
 21 Medicaid divestiture program under chapter 249F.>  
 22 9. Page 12, by striking lines 3 and 4 and  
 23 inserting:  
 24 <..... \$ 4,030,108  
 25 ..... FTEs 134.75>  
 26 10. Page 12, by striking lines 24 through 26.  
 27 11. Page 14, after line 18 by inserting:  
 28 <Sec. \_\_\_\_ DEPARTMENT OF INSPECTIONS AND APPEALS —  
 29 HEALTH CARE FACILITIES INSPECTIONS Notwithstanding  
 30 any provision of section 135C.16 to the contrary,  
 31 inspections of health care facilities that are only  
 32 state-licensed and not certified under the Medicare  
 33 or Medicaid programs shall not be inspected by the  
 34 department of inspections and appeals every thirty  
 35 months, but only as provided pursuant to sections  
 36 135C.9 and 135C.38.>  
 37 12. Page 14, by striking lines 30 through 35.  
 38 13. Page 15, line 1, by striking <3.> and inserting  
 39 <2.>  
 40 14. Page 16, by striking line 24 and inserting:  
 41 <..... \$ 4,881,860>

42 15. Page 19, by striking lines 33 and 34 and

43 inserting:

44 <.....	\$	647,014
45 .....	FTEs	12.00>

46 16. Page 20, line 9, by striking <subsections> and  
47 inserting <subsection>

48 17. Page 20, by striking lines 13 and 14.

49 18. Page 22, after line 17 by inserting:

50 <DIVISION \_\_\_\_

Page 2

1 DEPARTMENT OF ADMINISTRATIVE SERVICES PROVISIONS

2 Sec. \_\_\_\_ Section 8A.207, subsection 4, paragraph  
3 c, Code 2009, is amended to read as follows:

4 c. Contracts let by another governmental  
5 entity. The department, on its own behalf or on the  
6 behalf of another participating agency or governmental  
7 entity, may procure information technology by  
8 leveraging existing competitively procured contracts  
9 or under a contract let by another agency or other  
10 governmental entity, or may approve such procurement  
11 in the same manner by a participating agency or  
12 governmental entity.

13 Sec. \_\_\_\_ NEW SECTION. 8A.315A Purchase of  
14 chain-of-custody paper.

15 1. Notwithstanding any requirements under section  
16 8A.315 related to the purchase of recycled paper  
17 to the contrary, the department may use certified  
18 chain-of-custody paper as provided in this section in  
19 lieu of recycled paper. The department shall adopt  
20 rules related to the use of chain-of-custody paper.

21 2. As used in this section, unless the context  
22 otherwise requires, “certified chain-of-custody paper”  
23 means paper that has been certified pursuant to a  
24 process that tracks and records the possession and  
25 transfer of wood and fiber used to make paper through  
26 the different states of production to the end user of  
27 the paper. The department shall adopt rules defining  
28 “certified chain-of-custody paper” consistent with the  
29 certification requirements established by independent  
30 entities such as the forest stewardship council,  
31 sustainable forest initiative, or other similar entity.

32 Sec. \_\_\_\_ Section 8A.454, subsection 4, Code  
33 Supplement 2009, is amended by striking the subsection.

34 Sec. \_\_\_\_ VEHICLE DEPRECIATION FUNDS.  
35 Notwithstanding any provision of section 8A.365 to the  
36 contrary, a department or agency otherwise required to  
37 pay a depreciation expense pursuant to that section  
38 shall not be required to pay the depreciation expense  
39 during the fiscal year beginning July 1, 2010, and  
40 ending June 30, 2011. However, the department of



41 administrative services may encourage departments or  
42 agencies otherwise required to pay a depreciation  
43 expense to make voluntary payments in an effort to  
44 maintain the state fleet in the most cost-efficient  
45 manner possible, including the future replacement of  
46 vehicles, as necessary and appropriate.

47 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT. The section  
48 of this division of this Act amending section 8A.454,  
49 being deemed of immediate importance, takes effect upon  
50 enactment.

Page 3

1 DIVISION \_\_\_\_

2 MEDICATION THERAPY MANAGEMENT

3 Sec. \_\_\_\_ NEW SECTION. 514C.26 Medication therapy  
4 management coverage — repeal.

5 1. Notwithstanding the uniformity of treatment  
6 requirements of section 514C.6, a group plan  
7 established pursuant to chapter 509A for employees  
8 of the state providing for third-party payment or  
9 prepayment for health or medical expenses that include  
10 pharmaceutical benefits shall provide coverage for  
11 medication therapy management in accordance with this  
12 section. The provisions of this section shall apply  
13 to plans established pursuant to chapter 509A for  
14 employees of the state, except plans established for  
15 employees of the state board of regents or institutions  
16 under the state board of regents, that are delivered,  
17 issued for delivery, continued, or renewed in this  
18 state on or after January 1, 2011.

19 2. As used in this section, “medication therapy  
20 management” means a systematic process performed by a  
21 licensed pharmacist, designed to optimize therapeutic  
22 outcomes through improved medication use and reduced  
23 risk of adverse drug events, including all of the  
24 following services:

25 a. A medication therapy review of all medications,  
26 vitamins, and herbal supplements currently being taken  
27 by an eligible individual.

28 b. A medication action plan, subject to the  
29 limitations specified in this section, communicated  
30 to the individual and the individual’s primary care  
31 physician or other appropriate prescriber to address  
32 safety issues, inconsistencies, duplicative therapy,  
33 omissions, and medication costs. The medication action  
34 plan may include recommendations to the prescriber for  
35 changes in drug therapy.

36 c. Documentation and follow-up to ensure consistent  
37 levels of pharmacy services and positive outcomes.

38 3. a. Medication therapy management shall be a  
39 covered benefit for any of the following individuals:

40 (1) An individual who has a prescription drug  
41 therapy problem as identified by the prescribing  
42 physician or other appropriate prescriber, and is  
43 referred to a pharmacist for medication therapy  
44 management.

45 (2) An individual who meets other criteria  
46 established by the third-party payment provider  
47 contract, policy, or plan.

48 b. The fees for medication therapy management  
49 services shall be separate from the reimbursement for  
50 prescription drug product or dispensing services; shall

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1 be determined by each third-party payment provider  
2 contract, policy, or plan; and shall be reasonable  
3 based on the resources and time required to provide the  
4 services.

5 c. If any part of the medication therapy management  
6 plan developed by a pharmacist incorporates services  
7 which are outside the pharmacist's independent scope  
8 of practice including the initiation of therapy,  
9 modification of dosages, therapeutic interchange, or  
10 changes in drug therapy, the express authorization  
11 of the individual's physician or other appropriate  
12 prescriber is required.

13 4. Medication therapy management services shall  
14 be provided through a contract, established through a  
15 request for proposals process, with a company located  
16 in this state that is a nationally recognized leader  
17 in and has a minimum of ten years of experience  
18 administering medication therapy management services.  
19 The contract shall require the company to provide  
20 annual reports to the general assembly detailing the  
21 costs, savings, estimated cost avoidance and return  
22 on investment, and patient outcomes related to the  
23 medication therapy management services provided.  
24 The company shall guarantee annual estimated cost  
25 avoidance at least equal to the program's costs with  
26 any shortfall amount refunded to the state. As a proof  
27 of concept in the program for the period beginning  
28 January 1, 2011, and ending December 31, 2011, the  
29 company shall offer a dollar-for-dollar guarantee for  
30 drug product costs savings alone.

31 5. This section shall not apply to accident-only,  
32 specified disease, short-term hospital or medical,  
33 hospital confinement indemnity, credit, dental, vision,  
34 Medicare supplement, long-term care, basic hospital,  
35 and medical-surgical expense coverage as defined  
36 by the commissioner, disability income insurance  
37 coverage, coverage issued as a supplement to liability  
38 insurance, workers' compensation or similar insurance,

39 or automobile medical payment insurance, or individual  
 40 accident and sickness policies issued to individuals or  
 41 to individual members of a member association.

42 6. This section is repealed June 30, 2012.

43 DIVISION \_\_\_\_

44 BANKING DIVISION PROVISIONS

45 Sec. \_\_\_\_ Section 524.814, Code 2009, is amended by  
 46 adding the following new subsection:

47 NEW SUBSECTION. 1A. To secure transactions to  
 48 hedge risks associated with interest rate exposure,  
 49 subject to the approval of the superintendent.>

50 19. By renumbering as necessary.

JEFF DANIELSON

### S-5220

1 Amend Senate File 2368 as follows:

2 1. Page 1, line 2, by striking <DISASTER-RELATED  
 3 LOSSES —>

4 2. Page 1, by striking lines 6 through 9 and  
 5 inserting <to the federal Internal Revenue Code in  
 6 computing net income for state tax purposes, the>

7 3. Page 1, line 16, by striking <section 165(h) of>

8 4. Title page, line 2, by striking <disaster loss>

RANDY FEENSTRA

### S-5221

#### HOUSE AMENDMENT TO

#### SENATE FILE 2156

1 Amend Senate File 2156, as passed by the Senate, as  
 2 follows:

3 1. Page 5, by striking lines 12 and 13 and  
 4 inserting <All premiums shall be paid on the last day  
 5 of the month of coverage. The department shall deduct  
 6 the>

### S-5222

#### HOUSE AMENDMENT TO

#### SENATE FILE 2200

1 Amend Senate File 2200, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. Page 2, line 26, by striking <If> and inserting  
 4 <Unless the child or guardian dies or other exceptional  
 5 circumstances arise, if>

**S-5223**HOUSE AMENDMENT TO  
SENATE FILE 2254

1 Amend Senate File 2254, as passed by the Senate, as  
2 follows:

3 1. Page 1, after line 24 by inserting:  
4 <Sec. \_\_\_\_ Section 331.552, subsections 34, 35, and  
5 36, Code 2009, are amended to read as follows:

6 34. Destroy tax sale redemption certificates and  
7 all associated tax sale records after ten years have  
8 elapsed from the end of the fiscal year in which the  
9 certificate was redeemed. If a tax sale certificate  
10 of purchase is cancelled as required by section 446.37  
11 or 448.1, all associated tax sale records shall be  
12 destroyed after ten years have elapsed from the end  
13 of the fiscal year in which the tax sale certificate  
14 of purchase was cancelled. This subsection applies  
15 to documents described in this subsection that are in  
16 existence before, on, or after July 1, 2003.

17 35. Destroy special assessment records required  
18 by section 445.11 within the county system after ten  
19 years have elapsed from the end of the fiscal year in  
20 which the special assessment was paid in full. The  
21 county treasurer shall also destroy the resolution of  
22 necessity, plat, and schedule of assessments required  
23 by section 384.51 after ten years have elapsed from the  
24 end of the fiscal year in which the entire schedule was  
25 paid in full. This subsection applies to documents  
26 described in this subsection that are in existence  
27 before, on, or after July 1, 2003.

28 36. Destroy mobile home and manufactured home tax  
29 lists after ten years have elapsed from the end of  
30 the fiscal year in which the list was created. This  
31 subsection applies to mobile home and manufactured home  
32 tax lists and associated documents in existence before,  
33 on, or after July 1, 2003.

34 Sec. \_\_\_\_ Section 331.559, subsections 15 and 20,  
35 Code 2009, are amended to read as follows:

36 15. Maintain a suspended tax list book as provided  
37 in section 427.12. After ten years from the date of  
38 payment, abatement, or cancellation of a suspended  
39 tax, special assessment, rate, or charge, the county  
40 treasurer may dispose of the official record of the  
41 suspended tax, special assessment, rate, or charge.  
42 This subsection applies to official records and  
43 associated documents in existence before, on, or after  
44 July 1, 2003.

45 20. Carry out duties relating to the preparation  
46 and correction of the tax list as provided in chapter

47 443. After ten years from the date of receipt, the  
 48 county treasurer may dispose of the tax list delivered  
 49 to the county treasurer pursuant to chapter 443.  
 50 This subsection applies to tax lists and associated

Page 2

1 documents in existence before, on, or after July 1,  
 2 2003.>

3 2. Title page, line 3, after <districts> by  
 4 inserting <and to keep certain records>  
 5 3. By renumbering as necessary.

### S-5224

#### HOUSE AMENDMENT TO SENATE FILE 2318

1 Amend Senate File 2318, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, by striking lines 16 through 18 and  
 4 inserting:  
 5 <Sec. \_\_. NEW SECTION. 97A.10A Purchase of  
 6 service credit for military service.>  
 7 2. By renumbering as necessary.

### S-5225

#### HOUSE AMENDMENT TO SENATE FILE 2286

1 Amend Senate File 2286, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking lines 5 and 6 and inserting  
 4 <is open to the public and an admission fee is charged,  
 5 a donation is requested from those in attendance,  
 6 or merchandise or refreshments are available for  
 7 purchase.>

### S-5226

1 Amend Senate File 2367 as follows:  
 2 1. Page 20, after line 3 by inserting:  
 3 <Sec. \_\_. VEHICLE PURCHASES DEFERRED.  
 4 Notwithstanding any provision to the contrary, except  
 5 as otherwise provided by this section, the department  
 6 of administrative services shall defer the purchase of  
 7 replacement motor vehicles paid for from the general  
 8 fund of the state or from such moneys credited to  
 9 the depreciation fund maintained pursuant to section  
 10 8A.365. The purchase deferral is applicable to the  
 11 remainder of the fiscal year beginning July 1, 2009,  
 12 commencing on the effective date of this section and  
 13 to the succeeding fiscal year. However, the executive

14 council may authorize an exception to allow purchase of  
 15 a replacement vehicle when the purchase is less costly  
 16 than all other alternatives.  
 17 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT. This section  
 18 of this division of this Act providing for vehicle  
 19 purchases to be deferred, being deemed of immediate  
 20 importance, takes effect upon enactment.>  
 21 2. Title page, line 4, after < matters > by inserting  
 22 <, and including effective date provisions >  
 23 3. By renumbering as necessary.

MERLIN BARTZ

**S-5227**

1 Amend Senate File 2367 as follows:  
 2 1. Page 20, after line 3 by inserting:  
 3 <Sec. \_\_\_\_ UNEMPLOYMENT COMPENSATION —  
 4 LIMITATION. Beginning on the effective date of this  
 5 section and ending June 30, 2010, and notwithstanding  
 6 any provision of section 96.3 to the contrary, an  
 7 individual who is totally unemployed or partially  
 8 unemployed in any week as otherwise defined in section  
 9 96.19, subsection 38, paragraph “b”, as a result of an  
 10 employer mandated reduction in hours for the individual  
 11 as an employee of a department or state agency pursuant  
 12 to executive order number 19, October 8, 2009, shall  
 13 not be eligible for benefits under Code chapter 96 for  
 14 that period of unemployment.  
 15 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT. The section  
 16 of this division of this Act limiting unemployment  
 17 compensation, being deemed of immediate importance,  
 18 takes effect upon enactment.>  
 19 2. Title page, line 4, after < matters > by inserting  
 20 <and including effective date provisions >  
 21 3. By renumbering as necessary.

STEVE KETTERING

**S-5228**

1 Amend the House amendment, S-5163, to Senate File  
 2 2345, as passed by the Senate, as follows:  
 3 1. Page 1, after line 42 by inserting:  
 4 < \_\_\_\_ Page 4, after line 9 by inserting:  
 5 Sec. \_\_\_\_ Section 901.4, Code 2009, is amended to  
 6 read as follows:  
 7 901.4 Presentence investigation report confidential —  
 8 access.  
 9 The presentence investigation report is confidential  
 10 and the court shall provide safeguards to ensure its  
 11 confidentiality, including but not limited to sealing  
 12 the report, which may be opened only by further court

13 order. The defendant's attorney and the attorney  
 14 for the state shall have access to the presentence  
 15 investigation report at least three days prior to the  
 16 date set for sentencing. The defendant's appellate  
 17 attorney and the appellate attorney for the state shall  
 18 have access to the presentence investigation report  
 19 upon request and without the necessity of a court  
 20 order. The report shall remain confidential except  
 21 upon court order. However, the court may conceal  
 22 the identity of the person who provided confidential  
 23 information. The report of a medical examination  
 24 or psychological or psychiatric evaluation shall be  
 25 made available to the attorney for the state and to  
 26 the defendant upon request. The reports are part of  
 27 the record but shall be sealed and opened only on  
 28 order of the court. If the defendant is committed  
 29 to the custody of the Iowa department of corrections  
 30 and is not a class "A" felon, the department and the  
 31 board of parole shall have access to the presentence  
 32 investigation report. Pursuant to section 904.602, the  
 33 presentence investigation report may also be released  
 34 by ordinary or electronic mail by the department  
 35 of corrections or a judicial district department  
 36 of correctional services to another jurisdiction  
 37 for the purpose of providing interstate probation  
 38 and parole compact or interstate compact for adult  
 39 offender supervision services or evaluations, or to a  
 40 substance abuse or mental health services provider when  
 41 referring a defendant for services. The defendant or  
 42 the defendant's attorney may file with the presentence  
 43 investigation report, a denial or refutation of the  
 44 allegations, or both, contained in the report. The  
 45 denial or refutation shall be included in the report. >>  
 46 2. By renumbering as necessary.

KEITH A. KREIMAN

**S-5229**

1 Amend Senate File 2367 as follows:  
 2 1. Page 9, after line 19 by inserting:  
 3 <As a condition of receiving moneys appropriated in  
 4 this subsection, for the fiscal year beginning July 1,  
 5 2010, and ending June 30, 2011, the governor shall not  
 6 authorize any appropriation transfer to the offices of  
 7 the governor and the lieutenant governor pursuant to  
 8 section 8.39 for purposes of this subsection and the  
 9 offices of the governor and the lieutenant governor  
 10 shall not receive more than \$60,970 in intrastate  
 11 receipts for the purposes of this subsection.>

MERLIN BARTZ

**S-5230**

1 Amend House File 681, as passed by the House, as  
 2 follows:  
 3 1. Page 4, line 5, before <If> by inserting <a.>  
 4 2. Page 4, after line 20 by inserting:  
 5 <b. Employees, an employee organization, or the  
 6 representative of an employee organization shall notify  
 7 an employer of the employees' intent to strike against  
 8 the employer at least thirty days before the intended  
 9 action or as soon as the intended action is decided if  
 10 less than thirty days.>

BRAD ZAUN

**S-5231**

1 Amend the amendment, S-5046, to House File 777,  
 2 as amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 8, line 12, by striking <July 1> and  
 5 inserting <January 15>  
 6 2. Page 8, line 21, after <funding> by inserting  
 7 <by the department of management by August 15, 2010 ,>  
 8 3. Page 8, line 22, after <board.> by inserting  
 9 <The department of management may seek and receive  
 10 grants and outside funding to fund the initial expenses  
 11 of the board.>  
 12 4. By renumbering as necessary.

PAM JOCHUM

**S-5232**

1 Amend the amendment, S-5219, to Senate File 2367 as  
 2 follows:  
 3 1. By striking page 3, line 38, through page 4,  
 4 line 4, and inserting:  
 5 <3. a. Medication therapy management service  
 6 coverage shall be a required covered benefit for all  
 7 insureds meeting any of the following criteria:  
 8 (1) An individual taking four or more prescription  
 9 drugs to treat or prevent two or more chronic medical  
 10 conditions.  
 11 (2) An individual with a prescription drug therapy  
 12 problem who is identified by the prescribing physician  
 13 or other appropriate prescriber, and referred to a  
 14 pharmacist for medication therapy management services.  
 15 (3) An individual who meets other criteria  
 16 established by the health benefit plan.  
 17 b. The fees for pharmacist delivered medication  
 18 therapy management services shall be separate from  
 19 the reimbursement for prescription drug product or



20 dispensing services; shall be determined by each health  
21 benefit plan; and must be reasonable based on the  
22 resources and time required to provide the service.  
23 c. A fee shall be established for physician  
24 reimbursement for services delivered for medication  
25 therapy management and must be reasonable based on the  
26 resources and time required to provide the service.>  
27 2. Page 4, line 5, by striking <c.> and inserting  
28 <d.>  
29 3. By renumbering as necessary.

JEFF DANIELSON

**S-5233**

1 Amend the amendment, S-5185, to House File 2229, as  
2 passed by the House, as follows:  
3 1. Page 1, by striking lines 7 through 10 and  
4 inserting:  
5 <<4. Nothing in this section shall be construed as  
6 limiting the ability of an insurer or a third-party  
7 administrator to restrict any of the following as they  
8 relate to covered services:  
9 a. Balance billing.  
10 b. Waiting periods.  
11 c. Frequency limitations.  
12 d. Deductibles.  
13 e. Maximum annual benefits.>>

STEVE WARNSTADT

**S-5234**

1 Amend House File 726, as passed by the House, as  
2 follows:  
3 1. Page 19, line 17, after <Code> by inserting  
4 <Supplement>  
5 2. Page 19, line 29, after <Code> by inserting  
6 <Supplement>  
7 3. Page 20, line 1, after <Code> by inserting  
8 <Supplement>  
9 4. Page 22, line 12, before <unincorporated> by  
10 inserting <authorized>  
11 5. Page 22, line 20, before <unincorporated> by  
12 inserting <authorized>  
13 6. Page 22, line 24, before <unincorporated> by  
14 inserting <authorized>  
15 7. By renumbering as necessary.

ROBERT M. HOGG

**S-5235**HOUSE AMENDMENT TO  
SENATE FILE 2357

- 1 Amend Senate File 2357, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 2, line 3, by striking <A> and inserting:  
4 <a. Except as provided in paragraph "b", a>  
5 2. Page 2, after line 8 by inserting:  
6 <b. This subsection shall not apply to the  
7 possession, shipment, transportation, or receipt of a  
8 firearm, offensive weapon, or ammunition issued by a  
9 state department or agency or political subdivision for  
10 use in the performance of the official duties of the  
11 person who is the subject of a protective order under  
12 18 U.S.C. § 922(g)(8).>  
13 c. For purposes of this section, "misdemeanor crime  
14 of domestic violence" means an assault under section  
15 708.1, subsection 1 or 3, committed by a current or  
16 former spouse, parent, or guardian of the victim, by a  
17 person with whom the victim shares a child in common,  
18 by a person who is cohabiting with or has cohabited  
19 with the victim as a spouse, parent, or guardian, or  
20 by a person similarly situated to a spouse, parent, or  
21 guardian of the victim.>  
22 3. By renumbering as necessary.

**S-5236**HOUSE AMENDMENT TO  
SENATE FILE 2274

- 1 Amend Senate File 2274, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 13 through 19.  
4 2. By striking page 2, line 33, through page 3,  
5 line 4.  
6 3. By renumbering as necessary.

**S-5237**HOUSE AMENDMENT TO  
SENATE FILE 431

- 1 Amend Senate File 431, as passed by the Senate, as  
2 follows:
- 3 1. Page 3, line 20, after <a> by inserting  
4 <minimum>  
5 2. Page 10, line 10, after <Code> by inserting  
6 <Supplement>  
7 3. Page 13, line 5, by striking <2009> and  
8 inserting <2010>

**S-5238**HOUSE AMENDMENT TO  
SENATE JOINT RESOLUTION 2007

- 1 Amend Senate Joint Resolution 2007, as amended,
- 2 passed, and reprinted by the Senate, as follows:
- 3 1. Page 1, line 3, by striking <in California>
- 4 2. Title page, line 12, by striking <in the San
- 5 Francisco Bay area of California>

**S-5239**HOUSE AMENDMENT TO  
SENATE FILE 2224

- 1 Amend Senate File 2224, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 15, after <places.> by inserting
- 4 <Any action taken by a board of administration at a
- 5 meeting that is in violation of any of the provisions
- 6 of this subsection is not valid or enforceable.>

**S-5240**HOUSE AMENDMENT TO  
SENATE FILE 2352

- 1 Amend Senate File 2352, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, after line 5 by inserting:
- 4 <c. If an arrest warrant has been issued for
- 5 or charges are pending against the person, but no
- 6 court order exists requiring notification to a law
- 7 enforcement agency under paragraph "a" or "b", and if
- 8 the peace officer delivers the person to a facility or
- 9 hospital and the peace officer notifies the facility
- 10 or hospital in writing on a form prescribed by the
- 11 department of public safety that the facility or
- 12 hospital notify the law enforcement agency about
- 13 the discharge of the person prior to discharge, the
- 14 facility or hospital shall do all of the following:
- 15 (1) Notify the dispatch of the law enforcement
- 16 agency that employs the peace officer by telephone
- 17 prior to the discharge of the person from the facility
- 18 or hospital.
- 19 (2) Notify the law enforcement agency that employs
- 20 the peace officer by electronic mail prior to the
- 21 discharge of the person from the facility or hospital.>
- 22 2. Page 3, by striking lines 11 through 15 and
- 23 inserting <is sooner dismissed by a magistrate. The
- 24 facility or hospital may provide treatment which>
- 25 3. Page 3, line 26, by striking <the order of the
- 26 magistrate> and inserting <this section>

27 4. Page 3, line 28, after ~~<person.>~~ by inserting  
 28 <The law enforcement agency shall retrieve the person  
 29 no later than six hours after notification from the  
 30 facility or hospital but in no circumstances shall  
 31 the detention of the person exceed the period of time  
 32 prescribed for detention by this subsection.>

33 5. Page 4, by striking lines 1 through 4 and  
 34 inserting ~~<immediately detained, or if the facility~~  
 35 ~~or hospital was required to notify a law enforcement~~  
 36 ~~agency by this section, and the law enforcement~~  
 37 ~~agency requesting notification prior to discharge~~  
 38 ~~retrieved the person no later than six hours after~~  
 39 ~~the notification, and the detention prior to the~~  
 40 ~~retrieval of the person did not exceed the period of~~  
 41 ~~time prescribed for detention by this subsection.>~~

42 6. Page 4, before line 5 by inserting:  
 43 ~~<Sec. \_\_\_. Section 229.22, Code Supplement 2009, is~~  
 44 ~~amended by adding the following new subsections:~~  
 45 NEW SUBSECTION. 5. The department of public  
 46 safety shall prescribe the form to be used when a law  
 47 enforcement agency desires notification under this  
 48 section from a facility or hospital prior to discharge  
 49 of a person admitted to the facility or hospital and  
 50 for whom an arrest warrant has been issued or against

Page 2

1 whom charges are pending. The form shall be consistent  
 2 with all laws, regulations, and rules relating to the  
 3 confidentiality or privacy of personal information  
 4 or medical records, including but not limited to the  
 5 federal Health Insurance Portability and Accountability  
 6 Act of 1996, Pub. L. No. 104–191, and regulations  
 7 promulgated in accordance with that Act and published  
 8 in 45 C.F.R. pts. 160–64.

9 NEW SUBSECTION. 6. A facility or hospital,  
 10 which has been notified by a peace officer or a law  
 11 enforcement agency by delivery of a form as prescribed  
 12 by the department of public safety indicating that  
 13 an arrest warrant has been issued for or charges are  
 14 pending against a person admitted to the facility or  
 15 hospital, that does not notify the law enforcement  
 16 agency about the discharge of the person as required by  
 17 subsection 2, paragraph “c”, shall pay a civil penalty  
 18 as provided in section 805.8C, subsection 8.

19 Sec. \_\_\_. Section 805.8C, Code Supplement 2009, is  
 20 amended by adding the following new subsection:  
 21 NEW SUBSECTION. 8. Notification violations. For  
 22 violations of section 229.22, subsection 6, the  
 23 scheduled fine is one thousand dollars for a first  
 24 violation and two thousand dollars for a second or  
 25 subsequent violation. The scheduled fine under this

26 subsection is a civil penalty, and the criminal penalty  
 27 surcharge under section 911.1 shall not be added to the  
 28 penalty.>  
 29 7. Title page, line 2, after <impairment> by  
 30 inserting <, and providing penalties>  
 31 8. By renumbering as necessary.

**S-5241**

HOUSE AMENDMENT TO  
 SENATE FILE 2343

1 Amend Senate File 2343, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, before line 1 by inserting:  
 4 <Section 1. Section 46.3, Code 2009, is amended to  
 5 read as follows:  
 6 46.3 Appointment of district judicial nominating  
 7 commissioners.  
 8 1. The governor shall appoint five eligible  
 9 electors of each judicial election district to the  
 10 district judicial nominating commission.  
 11 2. ~~Appointments~~ The appointments made by the  
 12 governor shall be to staggered terms of six years each  
 13 and shall be made in the month of January for terms  
 14 commencing February 1 of even-numbered years.  
 15 3. ~~No more than a~~ A simple majority of the  
 16 commissioners appointed shall be of the same gender.  
 17 4. Beginning with terms commencing February 1,  
 18 2012, there shall not be more than one appointed  
 19 commissioner from a county within a judicial election  
 20 district unless each county within the judicial  
 21 election district has an appointed or elected  
 22 commissioner or the number of appointed commissioners  
 23 exceeds the number of counties within the judicial  
 24 election district. This subsection shall not be used  
 25 to remove an appointed commissioner from office prior  
 26 to the expiration of the commissioner's term.>  
 27 2. Page 1, lines 4 and 5, by striking <for up to  
 28 one hundred eighty days>  
 29 3. Page 1, line 8, after <occur.> by inserting <For  
 30 each of the first five delays ordered by the chief  
 31 justice in the fiscal year beginning July 1, 2010,  
 32 and for each of the first five delays ordered by the  
 33 chief justice in each fiscal year thereafter, the delay  
 34 shall not exceed one hundred eighty days. For each  
 35 delay ordered by the chief justice in excess of the  
 36 first five delays in the fiscal year beginning July 1,  
 37 2010, and for each delay ordered by the chief justice  
 38 in excess of the first five delays in each fiscal year  
 39 thereafter, the delay shall not exceed one year.>  
 40 4. Page 1, lines 11 and 12, by striking <for up to  
 41 one hundred eighty days>

42 5. Page 1, line 14, after <judgeship.> by inserting  
 43 <For each of the first five delays ordered by the chief  
 44 justice in the fiscal year beginning July 1, 2010,  
 45 and for each of the first five delays ordered by the  
 46 chief justice in each fiscal year thereafter, the delay  
 47 shall not exceed one hundred eighty days. For each  
 48 delay ordered by the chief justice in excess of the  
 49 first five delays in the fiscal year beginning July 1,  
 50 2010, and for each delay ordered by the chief justice

Page 2

1 in excess of the first five delays in each fiscal year  
 2 thereafter, the delay shall not exceed one year.>  
 3 6. Page 1, lines 19 and 20, by striking <for up to  
 4 one hundred eighty days>  
 5 7. Page 1, line 21, after <term.> by inserting <For  
 6 each of the first five delays ordered by the chief  
 7 justice in the fiscal year beginning July 1, 2010,  
 8 and for each of the first five delays ordered by the  
 9 chief justice in each fiscal year thereafter, the delay  
 10 shall not exceed one hundred eighty days. For each  
 11 delay ordered by the chief justice in excess of the  
 12 first five delays in the fiscal year beginning July 1,  
 13 2010, and for each delay ordered by the chief justice  
 14 in excess of the first five delays in each fiscal year  
 15 thereafter, the delay shall not exceed one year.>  
 16 8. By renumbering as necessary.

**S-5242**

- 1 Amend Senate File 2374 as follows:  
 2 1. By striking page 4, line 17, through page 10,  
 3 line 31.  
 4 2. Title page, line 7, by striking <and  
 5 applicability>  
 6 3. By renumbering as necessary.

RANDY FEENSTRA  
 JAMES F. HAHN  
 HUBERT HOUSER  
 SHAWN HAMERLINCK  
 BRAD ZAUN  
 STEVE KETTERING  
 PAUL MCKINLEY  
 RON WIECK  
 JAMES A. SEYMOUR  
 DAVID HARTSUCH  
 MERLIN BARTZ  
 PAT WARD  
 LARRY NOBLE

DAVID JOHNSON  
TIM L. KAPUCIAN  
KIM REYNOLDS  
NANCY J. BOETTGER

**S-5243**

- 1 Amend Senate File 2374 as follows:  
2 1. Page 10, before line 32 by inserting:  
3 <DIVISION \_\_\_\_  
4 CONFORMANCE WITH FEDERAL TAX LAW  
5 Sec. \_\_. NEW SECTION. 421.31 Intent to conform  
6 to federal tax law — annual resolution — notice by the  
7 department.  
8 1. The general assembly recognizes that consistency  
9 and predictability in state tax laws facilitates  
10 compliance by taxpayers and assists administration by  
11 the department of revenue. Therefore, it is the intent  
12 of the general assembly that the state should conform  
13 each year to the most recent provisions of the Internal  
14 Revenue Code.  
15 2. The general assembly shall annually reach a  
16 decision as to whether to conform to the most recent  
17 provisions of the Internal Revenue Code and shall by  
18 February 15 of each year adopt a resolution stating  
19 such decision.  
20 3. Upon adoption of a resolution by the general  
21 assembly pursuant to subsection 2, the department shall  
22 notify taxpayers of whether the state will conform to  
23 the Internal Revenue Code by causing notice of the  
24 resolution to be published as widely as possible.  
25 4. If the governor vetoes legislation passed by the  
26 general assembly conforming Iowa law to the Internal  
27 Revenue Code, the department shall cause notice of such  
28 an action to be published as soon as possible.>  
29 2. By renumbering as necessary.

RANDY FEENSTRA  
JAMES F. HAHN  
HUBERT HOUSER  
SHAWN HAMERLINCK  
STEVE KETTERING  
PAUL MCKINLEY  
RON WIECK  
JAMES A. SEYMOUR  
DAVID HARTSUCH  
MERLIN BARTZ  
PAT WARD  
LARRY NOBLE  
DAVID JOHNSON  
TIM L. KAPUCIAN  
KIM REYNOLDS  
NANCY J. BOETTGER

**S-5244**

- 1 Amend House File 2295, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by striking line 15 and inserting:  
 4 <\_\_. The professional educators of Iowa.>  
 5 2. Page 1, after line 17 by inserting:  
 6 <\_\_. The national federation of independent  
 7 business.  
 8 \_\_. The association of business and industry.  
 9 \_\_. A communications center manager as identified  
 10 by the statewide interoperable communications system  
 11 board established pursuant to section 80.28.>  
 12 3. By renumbering as necessary.

PAUL McKINLEY

**S-5245**

- 1 Amend Senate File 2290 as follows:  
 2 1. Page 1, after line 20 by inserting:  
 3 <c. Expenditures allowed under this subsection  
 4 shall not be made until all facilities within a  
 5 school district have been certified in writing as  
 6 being compliant with state and local fire codes,  
 7 safety codes, provisions of the federal Americans  
 8 with Disabilities Act, 42 U.S.C. § 12101–12117, by  
 9 an architect registered under chapter 544A or an  
 10 engineer licensed under chapter 542B, and the removal,  
 11 management, or abatement of environmental hazards, such  
 12 as asbestos and lead, are fully funded.>

SWATI A. DANDEKAR  
 MATT McCOY  
 JACK HATCH  
 STEVEN J. SODDERS  
 STEVE WARNSTADT  
 WILLIAM A. DOTZLER, JR.  
 SHAWN HAMERLINCK  
 DAVID JOHNSON  
 KIM REYNOLDS  
 JERRY BEHN  
 PAUL McKINLEY

**S-5246**

- 1 Amend House File 2295, as passed by the House, as  
 2 follows:  
 3 1. Page 1, line 4, by striking <review> and  
 4 inserting <do the following:  
 5 a. Review>  
 6 2. Page 1, after line 7 by inserting:  
 7 <b. Prepare and submit to the area education



- 8 agencies for adoption a revised mission statement  
 9 which identifies increasing student achievement as the  
 10 foremost priority for each area education agency.>  
 11 3. By renumbering as necessary.

PAUL MCKINLEY

**S-5247**

- 1 Amend Senate File 2374 as follows:  
 2 1. Page 10, before line 32 by inserting:  
 3 <DIVISION \_\_\_\_  
 4 IRC COUPLING  
 5 Sec. \_\_\_\_ Section 15.335, subsection 1, paragraphs  
 6 b and c, Code Supplement 2009, are amended to read as  
 7 follows:  
 8 b. In lieu of the credit amount computed in  
 9 paragraph "a", subparagraph (1), an eligible  
 10 business may elect to compute the credit amount  
 11 for qualified research expenses incurred in this  
 12 state in a manner consistent with the alternative  
 13 ~~incremental~~ simplified credit described in section  
 14 ~~41(c)(4)~~ 41(c)(5) of the Internal Revenue Code. The  
 15 taxpayer may make this election regardless of the  
 16 method used for the taxpayer's federal income tax. The  
 17 election made under this paragraph is for the tax year  
 18 and the taxpayer may use another or the same method for  
 19 any subsequent year.  
 20 c. For purposes of the alternate credit  
 21 computation method in paragraph "b", the credit  
 22 percentages applicable to qualified research  
 23 expenses described in ~~clauses (i), (ii), and (iii)~~  
 24 ~~of section 41(c)(4)(A)~~ 41(c)(5)(A) and clause (ii)  
 25 of section 41(c)(5)(B) of the Internal Revenue Code  
 26 are ~~one and sixty five hundredths percent, two and~~  
 27 ~~twenty hundredths percent, and two and seventy five~~  
 28 ~~hundredths~~ four and fifty-five hundredths percent and  
 29 one and ninety-five hundredths percent, respectively.  
 30 Sec. \_\_\_\_ Section 15.335, subsection 4, Code  
 31 Supplement 2009, is amended to read as follows:  
 32 4. a. For purposes of this section, "base amount",  
 33 "basic research payment", and "qualified research  
 34 expense" mean the same as defined for the federal  
 35 credit for increasing research activities under section  
 36 41 of the Internal Revenue Code, except that for the  
 37 alternative ~~incremental~~ simplified credit such amounts  
 38 are for research conducted within this state.  
 39 b. For purposes of this section, "Internal Revenue  
 40 Code" means the Internal Revenue Code in effect on  
 41 January 1, ~~2009~~ 2010.  
 42 Sec. \_\_\_\_ Section 15A.9, subsection 8, paragraphs  
 43 b, c, and e, Code Supplement 2009, are amended to read  
 44 as follows:

45 b. In lieu of the credit amount computed in  
 46 paragraph “a”, subparagraph (1), subparagraph division  
 47 (a), a business may elect to compute the credit amount  
 48 for qualified research expenses incurred in this  
 49 state within the zone in a manner consistent with the  
 50 alternative ~~incremental~~ simplified credit described in

Page 2

1 section ~~41(e)(4)~~ 41(c)(5) of the Internal Revenue Code.  
 2 The taxpayer may make this election regardless of the  
 3 method used for the taxpayer’s federal income tax. The  
 4 election made under this paragraph is for the tax year  
 5 and the taxpayer may use another or the same method for  
 6 any subsequent year.

7 c. For purposes of the alternate credit  
 8 computation method in paragraph “b”, the credit  
 9 percentages applicable to qualified research expenses  
 10 described in ~~clauses (i), (ii), and (iii) of section~~  
 11 ~~41(e)(4)(A)~~ 41(c)(5)(A) and clause ~~(ii) of section~~  
 12 ~~41(c)(5)(B)~~ of the Internal Revenue Code are ~~three and~~  
 13 ~~thirty hundredths percent, four and forty hundredths~~  
 14 ~~percent, and five and fifty hundredths~~ four and  
 15 fifty-five hundredths percent and one and ninety-five  
 16 hundredths percent, respectively.

17 e. (1) For the purposes of this subsection,  
 18 “base amount”, “basic research payment”, and “qualified  
 19 research expense” mean the same as defined for the  
 20 federal credit for increasing research activities under  
 21 section 41 of the Internal Revenue Code, except that  
 22 for the alternative ~~incremental~~ simplified credit such  
 23 amounts are for research conducted within this state  
 24 within the zone.

25 (2) For purposes of this subsection, “Internal  
 26 Revenue Code” means the Internal Revenue Code in effect  
 27 on January 1, ~~2009~~ 2010.

28 Sec. \_\_. Section 422.3, subsection 5, Code 2009,  
 29 is amended to read as follows:

30 5. “Internal Revenue Code” means the Internal  
 31 Revenue Code of 1954, prior to the date of its  
 32 redesignation as the Internal Revenue Code of 1986  
 33 by the Tax Reform Act of 1986, or means the Internal  
 34 Revenue Code of 1986 as amended to and including  
 35 January 1, ~~2008~~ 2010.

36 Sec. \_\_. Section 422.7, subsection 53, Code  
 37 Supplement 2009, is amended by striking the subsection.

38 Sec. \_\_. Section 422.9, subsection 2, paragraph i,  
 39 Code Supplement 2009, is amended to read as follows:

40 i. The deduction for state sales and use taxes  
 41 is allowable only if the taxpayer elected to deduct  
 42 the state sales and use taxes in lieu of state income  
 43 taxes under section 164 of the Internal Revenue Code.

44 A deduction for state sales and use taxes is not  
45 allowed if the taxpayer has taken the deduction for  
46 state income taxes or claimed the standard deduction  
47 under section 63 of the Internal Revenue Code. This  
48 paragraph applies to taxable years beginning after  
49 December 31, 2003, and before January 1, ~~2006~~ 2008, and  
50 to taxable years beginning after December 31, 2008, and

Page 3

1 before January 1, 2010.

2 Sec. \_\_\_\_ Section 422.10, subsection 1, paragraphs  
3 b and c, Code Supplement 2009, are amended to read as  
4 follows:

5 b. In lieu of the credit amount computed in  
6 paragraph "a", subparagraph (1), subparagraph division  
7 (a), a taxpayer may elect to compute the credit amount  
8 for qualified research expenses incurred in this  
9 state in a manner consistent with the alternative  
10 ~~incremental simplified~~ credit described in section  
11 ~~41(c)(4)~~ 41(c)(5) of the Internal Revenue Code. The  
12 taxpayer may make this election regardless of the  
13 method used for the taxpayer's federal income tax. The  
14 election made under this paragraph is for the tax year  
15 and the taxpayer may use another or the same method for  
16 any subsequent year.

17 c. For purposes of the alternate credit  
18 computation method in paragraph "b", the credit  
19 percentages applicable to qualified research expenses  
20 described in ~~clauses (i), (ii), and (iii) of section~~  
21 ~~41(c)(4)(A)~~ section 41(c)(5)(A) and clause (ii) of  
22 section 41(c)(5)(B) of the Internal Revenue Code  
23 are ~~one and sixty-five hundredths percent, two and~~  
24 ~~twenty hundredths percent, and two and seventy-five~~  
25 ~~hundredths~~ four and fifty-five hundredths percent and  
26 one and ninety-five hundredths percent, respectively.

27 Sec. \_\_\_\_ Section 422.10, subsection 3, Code  
28 Supplement 2009, is amended to read as follows:

29 3. a. For purposes of this section, "base amount",  
30 "basic research payment", and "qualified research  
31 expense" mean the same as defined for the federal  
32 credit for increasing research activities under section  
33 41 of the Internal Revenue Code, except that for the  
34 alternative ~~incremental simplified~~ credit such amounts  
35 are for research conducted within this state.

36 b. For purposes of this section, "Internal Revenue  
37 Code" means the Internal Revenue Code in effect on  
38 January 1, ~~2009~~ 2010.

39 Sec. \_\_\_\_ Section 422.32, subsection 7, Code  
40 Supplement 2009, is amended to read as follows:

41 7. "Internal Revenue Code" means the Internal  
42 Revenue Code of 1954, prior to the date of its

43 redesignation as the Internal Revenue Code of 1986  
 44 by the Tax Reform Act of 1986, or means the Internal  
 45 Revenue Code of 1986 as amended to and including  
 46 January 1, ~~2008~~ 2010.  
 47 Sec. \_\_\_\_ Section 422.33, subsection 5, paragraphs  
 48 b, c, and d, Code Supplement 2009, are amended to read  
 49 as follows:  
 50 b. In lieu of the credit amount computed in

Page 4

1 paragraph “a”, subparagraph (1), a corporation  
 2 may elect to compute the credit amount for  
 3 qualified research expenses incurred in this  
 4 state in a manner consistent with the alternative  
 5 ~~incremental~~ simplified credit described in section  
 6 ~~41(e)(4)~~ 41(c)(5) of the Internal Revenue Code. The  
 7 taxpayer may make this election regardless of the  
 8 method used for the taxpayer’s federal income tax. The  
 9 election made under this paragraph is for the tax year  
 10 and the taxpayer may use another or the same method for  
 11 any subsequent year.

12 c. For purposes of the alternate credit  
 13 computation method in paragraph “b”, the credit  
 14 percentages applicable to qualified research expenses  
 15 described in ~~clauses (i), (ii), and (iii) of section~~  
 16 ~~41(e)(4)(A)~~ section 41(c)(5)(A) and clause (ii) of  
 17 section 41(c)(5)(B) of the Internal Revenue Code  
 18 are ~~one and sixty five hundredths percent, two and~~  
 19 ~~twenty hundredths percent, and two and seventy five~~  
 20 ~~hundredths~~ four and fifty-five hundredths percent and  
 21 one and ninety-five hundredths percent, respectively.

22 d. (1) For purposes of this subsection, “base  
 23 amount”, “basic research payment”, and “qualified  
 24 research expense” mean the same as defined for the  
 25 federal credit for increasing research activities under  
 26 section 41 of the Internal Revenue Code, except that  
 27 for the alternative ~~incremental~~ simplified credit such  
 28 amounts are for research conducted within this state.

29 (2) For purposes of this subsection, “Internal  
 30 Revenue Code” means the Internal Revenue Code in effect  
 31 on January 1, ~~2009~~ 2010.

32 Sec. \_\_\_\_ Section 422.35, subsection 24, Code  
 33 Supplement 2009, is amended by striking the subsection.

34 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
 35 APPLICABILITY.

36 1. This Act, being deemed of immediate importance,  
 37 takes effect upon enactment.

38 2. The sections of this Act amending sections  
 39 15.335, 15A.9, 422.3, 422.9, subsection 2, paragraph  
 40 “i”, 422.10, 422.32, and 422.33 apply retroactively to  
 41 January 1, 2009, for tax years beginning on or after

42 that date.  
 43 3. The sections of this Act amending sections  
 44 422.7, subsection 53, and 422.35, subsection 24, apply  
 45 retroactively to January 1, 2008, for tax years ending  
 46 on or after that date.>  
 47 2. By renumbering as necessary.

RANDY FEENSTRA

**S-5248**

HOUSE AMENDMENT TO  
 SENATE FILE 2366

1 Amend Senate File 2366, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, after line 2 by inserting:  
 4 <Sec. \_\_. ELDERLY AND DISABLED TAX CREDIT. After  
 5 applying the reduction made pursuant to executive order  
 6 number 19 issued October 8, 2009, to the appropriation  
 7 made for the following designated purpose, there is  
 8 appropriated from the general fund of the state to the  
 9 department of revenue for the fiscal year beginning  
 10 July 1, 2009, and ending June 30, 2010, the following  
 11 amount, or so much thereof as is necessary, to be used  
 12 for the purpose designated:  
 13 For implementing the elderly and disabled tax  
 14 credit and reimbursement pursuant to sections 425.16  
 15 through 425.39, to supplement the amount appropriated  
 16 in 2009 Iowa Acts, chapter 179, section 9, subsection  
 17 2, paragraph "d":  
 18 ..... \$ 1,426,000>  
 19 2. Page 7, after line 1 by inserting:  
 20 <Notwithstanding section 8.33, moneys appropriated  
 21 in this subsection that remain unencumbered or  
 22 unobligated at the close of the fiscal year shall not  
 23 revert but shall remain available for expenditure  
 24 for the purposes designated until the close of the  
 25 succeeding fiscal year. For the purposes of section  
 26 28.8, subsection 5, and section 256I.9, subsection  
 27 4, paragraph "e", as enacted by 2010 Iowa Acts,  
 28 Senate File 2088, section 286, or any other provision  
 29 of law addressing the percentage of school ready  
 30 children grant money that can be carried forward to  
 31 the succeeding fiscal year without a reduction to  
 32 subsequent grant funding, the amount of school ready  
 33 children grant moneys distributed to a local area board  
 34 pursuant to this subsection that are carried forward  
 35 by the board to the succeeding fiscal year shall be  
 36 disregarded.>  
 37 3. Page 19, after line 2 by inserting:  
 38 <Sec. \_\_. 2009 Iowa Acts, chapter 179, section  
 39 10, is amended by adding the following new unnumbered

40 paragraph:

41 NEW UNNUMBERED PARAGRAPH. Of the amount  
 42 appropriated in this section, \$883,628 shall be used  
 43 for storm damage repair at the state training school  
 44 in Eldora. Notwithstanding section 8.33, moneys  
 45 allocated in this paragraph that remain unencumbered  
 46 or unobligated at the close of the fiscal year shall  
 47 not revert but shall remain available for expenditure  
 48 for the purposes designated until the close of the  
 49 succeeding fiscal year.>

50 4. Page 19, line 15, by striking <27,500,000> and

Page 2

1 inserting <23,000,000>

2 5. Page 19, lines 27 and 28, by striking  
 3 <twenty-seven million five hundred thousand> and  
 4 inserting <twenty-three million>

5 6. Page 20, line 1, by striking  
 6 <twenty-seven million five hundred thousand> and  
 7 inserting <twenty-three million>

8 7. Page 20, lines 9 and 10, by striking  
 9 <eleven million eight three> and inserting <six million  
 10 eight>

11 8. By renumbering as necessary.

## S-5249

1 Amend Senate File 2374 as follows:

2 1. Page 10, before line 32 by inserting:

3 <DIVISION \_\_\_\_  
 4 INHERITANCE TAX

5 Sec. \_\_\_\_ Section 450.7, subsection 1, paragraph a,  
 6 Code Supplement 2009, is amended to read as follows:

7 a. The share of the estate passing to the surviving  
 8 spouse, and parents, grandparents, great-grandparents,  
 9 and other lineal ascendants, children including legally  
 10 adopted children and biological children entitled to  
 11 inherit under the laws of this state, stepchildren, and  
 12 grandchildren, great-grandchildren, and other lineal  
 13 descendants, and nieces and nephews is excluded from  
 14 taxation under this chapter.

15 Sec. \_\_\_\_ Section 450.9, Code 2009, is amended to  
 16 read as follows:

17 450.9 Individual exemptions.

18 In computing the tax on the net estate, the  
 19 entire amount of property, interest in property, and  
 20 income passing to the surviving spouse, and parents,  
 21 grandparents, great-grandparents, and other lineal  
 22 ascendants, children including legally adopted children  
 23 and biological children entitled to inherit under the  
 24 laws of this state, stepchildren, and grandchildren,  
 25 great-grandchildren, and other lineal descendants, and

26 nieces and nephews are exempt from tax.  
 27 Sec. \_\_\_\_ Section 450.10, subsection 6, Code 2009,  
 28 is amended to read as follows:  
 29 6. Property, interest in property, or income  
 30 passing to the surviving spouse, and parents,  
 31 grandparents, great-grandparents, and other lineal  
 32 ascendants, children including legally adopted children  
 33 and biological children entitled to inherit under the  
 34 laws of this state, stepchildren, and grandchildren,  
 35 great-grandchildren, and other lineal descendants, and  
 36 nieces and nephews is not taxable under this section.  
 37 Sec. \_\_\_\_ APPLICABILITY. This division of this Act  
 38 applies to decedents dying on or after July 1, 2010.>  
 39 2. By renumbering as necessary.

DAVID JOHNSON

**S-5250**

1 Amend Senate File 2374 as follows:  
 2 1. Page 4, before line 17 by inserting:  
 3 <DIVISION \_\_\_\_  
 4 SALES TAXES  
 5 Sec. \_\_\_\_ Section 423.3, Code Supplement 2009, is  
 6 amended by adding the following new subsection:  
 7 NEW SUBSECTION. 96. The sales price from the sale  
 8 of a membership at a health, wellness, or fitness  
 9 facility.>  
 10 2. By renumbering as necessary.

BRAD ZAUN  
 LARRY NOBLE  
 PAT WARD  
 JAMES A. SEYMOUR  
 RON WIECK  
 PAUL McKINLEY  
 STEVE KETTERING  
 NANCY J. BOETTGER  
 KIM REYNOLDS  
 TIM L. KAPUCIAN  
 DAVID JOHNSON  
 SHAWN HAMERLINCK  
 HUBERT HOUSER  
 JAMES F. HAHN  
 RANDY FEENSTRA

**S-5251**

1 Amend Senate File 2376 as follows:  
 2 1. Page 19, after line 21 by inserting:  
 3 <Sec. \_\_\_\_ Section 257.6, subsection 1, paragraph  
 4 a, subparagraph (5), Code Supplement 2009, is amended  
 5 to read as follows:

6 (5) Resident pupils receiving competent private  
 7 instruction from a licensed practitioner provided  
 8 through a public school district pursuant to chapter  
 9 299A shall be counted as three-tenths of one pupil.  
 10 Revenues received by a school district attributed to a  
 11 school district's weighted enrollment pursuant to this  
 12 paragraph\* shall be expended for the purpose for which  
 13 the weighting was assigned under this paragraph.\* If  
 14 the school district determines that the expenditures  
 15 associated with providing competent private instruction  
 16 pursuant to chapter 299A are in excess of the  
 17 revenue attributed to the school district's weighted  
 18 enrollment for such instruction in accordance with this  
 19 subparagraph, the school district may submit a request  
 20 to the school budget review committee for modified  
 21 allowable growth in accordance with section 257.31,  
 22 subsection 5, paragraph "n". A home school assistance  
 23 program shall not provide moneys received pursuant to  
 24 this subparagraph, nor resources paid for with moneys  
 25 received pursuant to this subparagraph, to parents or  
 26 students utilizing the program. Moneys received by a  
 27 school district pursuant to this subparagraph shall be  
 28 used as provided in section 299A.12.>

29 2. Page 27, after line 16 by inserting:  
 30 <Sec. \_\_\_\_ NEW SECTION. 299A.12 Home school  
 31 assistance program.

32 1. The board of directors of a school district  
 33 may expend moneys received pursuant to section 257.6,  
 34 subsection 1, paragraph "a", subparagraph (5), for  
 35 purposes of providing a home school assistance program.

36 2. Purposes for which a school district may expend  
 37 funds received pursuant to section 257.6, subsection 1,  
 38 paragraph "a", subparagraph (5), shall include but not  
 39 be limited to the following:

- 40 a. Assisting parents with instruction.
- 41 b. Student and teaching-parent support services and  
 42 staff support services.
- 43 c. Salary and benefits for the supervising teacher  
 44 of the home school assistance program students. If the  
 45 teacher is a part-time home school assistance program  
 46 teacher and a part-time regular classroom teacher,  
 47 funds received pursuant to section 257.6, subsection  
 48 1, paragraph "a", subparagraph (5), may be used only  
 49 for the portion of time in which the teacher is a home  
 50 school assistance program teacher.

Page 2

- 1 d. Salary and benefits for clerical and office  
 2 staff of the home school assistance program. If  
 3 the staff members are shared with other programs  
 4 or functions within the district, funds received



5 pursuant to section 257.6, subsection 1, paragraph  
 6 “a”, subparagraph (5), shall only be expended for  
 7 the portion of time spent providing the home school  
 8 assistance program services.

9 e. Staff development for the home school assistance  
 10 program teacher.

11 f. Travel for the home school assistance program  
 12 teacher.

13 g. Resources, materials, computer software and  
 14 hardware, and supplies, and purchased services that  
 15 meet the following criteria:

16 (1) Are necessary to provide the services of home  
 17 school assistance.

18 (2) Are retained as the possessions of the school  
 19 district for its prekindergarten through grade twelve  
 20 home school assistance program.

21 3. Purposes for which a school district shall  
 22 not expend funds received pursuant to section 257.6,  
 23 subsection 1, paragraph “a”, subparagraph (5), include  
 24 but are not limited to the following:

25 a. Indirect costs or use charges.

26 b. Operational or maintenance costs in addition to  
 27 the cost of maintaining school district facilities.

28 c. Capital expenditures.

29 d. Student transportation except in cases of home  
 30 school assistance program-approved field trips or other  
 31 educational activities.

32 e. Administrative costs.

33 f. Concurrent enrollment program costs and  
 34 postsecondary enrollment options program costs.

35 g. Any other expenditures not directly related to  
 36 providing the home school assistance program. A home  
 37 school assistance program shall not provide moneys to  
 38 parents or students utilizing the program.>

39 3. By renumbering as necessary.

BECKY SCHMITZ

**S-5252**

1 Amend Senate File 2376 as follows:

2 1. Page 9, line 19, after <256C> by inserting  
 3 <in lieu of the appropriation made in section 256C.6,  
 4 subsection 2, paragraph a, subparagraph (3)>

5 2. Page 23, after line 2 by inserting:

6 <Sec. \_\_. Section 272.31, subsection 2, paragraph  
 7 c, Code 2009, if enacted by 2010 Iowa Acts, House File  
 8 2461, section 2, is amended to read as follows:

9 c. An individual employed as a school business  
 10 official prior to July 1, 2012, who meets the  
 11 requirements of the board, other than the training  
 12 program requirements of paragraph “a”, shall be issued,  
 13 ~~at no charge~~ with no fee for issuance, an initial

14 authorization by the board, but shall meet renewal  
 15 requirements for an authorization within the time  
 16 period specified by the board.>  
 17 3. Page 28, line 1, by striking <2009> and  
 18 inserting <2010>  
 19 4. Page 28, line 15, by striking <2009> and  
 20 inserting <2010>  
 21 5. By renumbering as necessary.

BRIAN SCHOENJAHN

**S-5253**

1 Amend Senate File 2376 as follows:  
 2 1. Page 19, after line 11 by inserting:  
 3 <Sec. \_\_\_. Section 256C.5, subsection 1, paragraph  
 4 c, Code 2009, is amended to read as follows:  
 5 c. "Preschool budget enrollment" means the figure  
 6 that is equal to ~~sixty~~ forty percent of the actual  
 7 enrollment of eligible students in the preschool  
 8 programming provided by a school district approved  
 9 to participate in the preschool program on October 1  
 10 of the base year, or the first Monday in October if  
 11 October 1 falls on a Saturday or Sunday.>  
 12 2. By renumbering as necessary.

NANCY J. BOETTGER  
 KIM REYNOLDS  
 TIM L. KAPUCIAN  
 DAVID JOHNSON  
 JAMES A. SEYMOUR  
 JERRY BEHN  
 PAUL McKINLEY  
 STEVE KETTERING  
 BRAD ZAUN  
 SHAWN HAMERLINCK  
 JAMES F. HAHN  
 RANDY FEENSTRA

**S-5254**

1 Amend Senate File 2376 as follows:  
 2 1. Page 20, after line 7 by inserting:  
 3 <Sec. \_\_\_. Section 260C.18D, subsection 4, Code  
 4 Supplement 2009, is amended to read as follows:  
 5 4. Eligible instructors. Moneys distributed to a  
 6 community college under this section shall be allocated  
 7 to all full-time, nonadministrative instructors  
 8 and part-time instructors covered by a collective  
 9 bargaining agreement. The moneys shall be allocated  
 10 by negotiated agreements according to chapter 20.  
 11 If no language exists, the moneys shall be allocated  
 12 equally to all full-time, nonadministrative instructors

13 with part-time instructors covered by a collective  
 14 bargaining agreement receiving a prorated share of the  
 15 fund. Notwithstanding any provision of law to the  
 16 contrary, if the governor orders budget reductions in  
 17 accordance with section 8.31, a collective bargaining  
 18 agreement negotiated under chapter 20 and in effect  
 19 on the date the budget reduction was ordered shall be  
 20 reopened and renegotiated by the board of directors  
 21 of a community college and the employee organization  
 22 representing the employees of the community college.>

23 2. Page 23, after line 2 by inserting:

24 <Sec. \_\_. Section 273.3, subsection 11, Code  
 25 Supplement 2009, is amended to read as follows:

26 11. Employ personnel to carry out the functions  
 27 of the area education agency which shall include the  
 28 employment of an administrator who shall possess a  
 29 license issued under chapter 272. The administrator  
 30 shall be employed pursuant to section 279.20 and  
 31 sections 279.23, 279.24 and 279.25. The salary  
 32 for an area education agency administrator shall  
 33 be established by the board based upon the previous  
 34 experience and education of the administrator. Section  
 35 279.13 applies to the area education agency board  
 36 and to all teachers employed by the area education  
 37 agency. Section 279.19C applies to the area education  
 38 agency board and to any collective bargaining agreement  
 39 negotiated by the board under chapter 20. Sections  
 40 279.23, 279.24 and 279.25 apply to the area education  
 41 board and to all administrators employed by the area  
 42 education agency.

43 Sec. \_\_. NEW SECTION. 279.19C Collective  
 44 bargaining agreement — budget reductions —  
 45 renegotiation.

46 Notwithstanding any provision of law to the  
 47 contrary, if the governor orders budget reductions in  
 48 accordance with section 8.31, a collective bargaining  
 49 agreement negotiated under chapter 20 and in effect  
 50 on the date the budget reduction was ordered shall be

Page 2

- 1 reopened and renegotiated by the board of directors
- 2 of a school district and the employee organization
- 3 representing the employees of the school district.>
- 4 3. By renumbering as necessary.

NANCY J. BOETTGER  
 KIM REYNOLDS  
 TIM L. KAPUCIAN  
 DAVID JOHNSON  
 DAVID HARTSUCH  
 JAMES A. SEYMOUR  
 JERRY BEHN

PAUL McKINLEY  
 STEVE KETTERING  
 BRAD ZAUN  
 JAMES F. HAHN  
 SHAWN HAMERLINCK  
 RANDY FEENSTRA

**S-5255**

- 1 Amend Senate File 2368 as follows:  
 2 1. By striking everything after the enacting clause  
 3 and inserting:  
 4 <Section 1. DISASTER-RELATED PERSONAL CASUALTY  
 5 LOSS DEDUCTIONS. A taxpayer is allowed to take the  
 6 deduction for disaster-related casualty losses under  
 7 section 165(h) of the Internal Revenue Code, as  
 8 modified by the Heartland Disaster Relief Act of 2008,  
 9 Pub. L. No. 110-343, in computing net income for state  
 10 tax purposes.  
 11 Sec. 2. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
 12 APPLICABILITY. This Act, being deemed of immediate  
 13 importance, takes effect upon enactment and applies  
 14 retroactively to January 1, 2008, for tax years  
 15 beginning on or after that date and before January 1,  
 16 2009.>  
 17 2. Title page, by striking lines 1 and 2 and  
 18 inserting <An Act allowing taxpayers to take certain  
 19 deductions available under federal law in computing net  
 20 income for state income tax purposes and including>  
 21 3. By renumbering as necessary.

BRAD ZAUN  
 DAVID JOHNSON  
 PAUL McKINLEY  
 JERRY BEHN  
 KIM REYNOLDS  
 MERLIN BARTZ  
 STEVE KETTERING  
 JAMES F. HAHN  
 LARRY NOBLE  
 SHAWN HAMERLINCK  
 RON WIECK  
 PAT WARD  
 RANDY FEENSTRA

**S-5256**

- 1 Amend Senate File 2376 as follows:  
 2 1. By striking page 19, line 22 through page 20,  
 3 line 7.  
 4 2. Page 20, by striking lines 8 through 13.  
 5 3. By striking page 24, line 30 through page 25,  
 6 line 23.

- 7 4. Page 25, by striking lines 24 through 30.  
 8 5. By striking page 27, line 28 through page 28,  
 9 line 4.  
 10 6. Page 28, by striking lines 8 through 15.  
 11 7. Title page, lines 5 and 6, by striking <and  
 12 applicability>  
 13 8. By renumbering as necessary.

RANDY FEENSTRA  
 JAMES F. HAHN  
 SHAWN HAMERLINCK  
 BRAD ZAUN  
 STEVE KETTERING  
 PAUL MCKINLEY  
 JERRY BEHN  
 JAMES A. SEYMOUR  
 DAVID HARTSUCH  
 MERLIN BARTZ  
 PAT WARD  
 LARRY NOBLE  
 DAVID JOHNSON  
 TIM L. KAPUCIAN  
 KIM REYNOLDS  
 NANCY J. BOETTGER

### S-5257

- 1 Amend Senate File 2378 as follows:  
 2 1. Page 31, after line 9 by inserting:  
 3 <Sec. \_\_\_\_. Section 80.15, Code 2009, is amended to  
 4 read as follows:  
 5 80.15 Examination — oath — probation — discipline  
 6 — dismissal.  
 7 1. a. An applicant to be a peace officer in the  
 8 department shall not be appointed as a peace officer  
 9 until the applicant has passed a satisfactory physical  
 10 and mental examination. ~~In addition, the~~  
 11 b. ~~The applicant must also be a citizen of the~~  
 12 United States and, However, an applicant who has  
 13 permanent resident status, who provides proof of  
 14 application for United States citizenship, and who is  
 15 sponsored by a local law enforcement agency that has  
 16 provided the applicant with law enforcement employment  
 17 shall also be accepted.  
 18 c. ~~The applicant may not be not~~ less than  
 19 twenty-two years of age. However, an applicant  
 20 applying for assignment to provide protection and  
 21 security for persons and property on the grounds of  
 22 the state capitol complex or a peace officer candidate  
 23 shall not be less than eighteen years of age.  
 24 2. The mental examination shall be conducted under  
 25 the direction or supervision of the commissioner and  
 26 may be oral or written or both.

27 3. An applicant shall take an oath on becoming a  
 28 peace officer of the department, to uphold the laws and  
 29 Constitution of the United States and Constitution of  
 30 the State of Iowa.

31 4. a. During the period of twelve months after  
 32 appointment, a peace officer of the department is  
 33 subject to dismissal at the will of the commissioner.

34 b. After the twelve months' service, a peace  
 35 officer of the department, who was appointed after  
 36 having passed the examinations, is not subject to  
 37 dismissal, suspension, disciplinary demotion, or  
 38 other disciplinary action resulting in the loss of pay  
 39 unless charges have been filed with the department  
 40 of inspections and appeals and a hearing held by the  
 41 employment appeal board created by section 10A.601,  
 42 if requested by the peace officer, at which the peace  
 43 officer has an opportunity to present a defense to the  
 44 charges.

45 c. The decision of the appeal board is final,  
 46 subject to the right of judicial review in accordance  
 47 with the terms of the Iowa administrative procedure  
 48 Act, chapter 17A. ~~However, these~~

49 d. ~~These~~ procedures as to dismissal, suspension,  
 50 demotion, or other discipline do not apply to a peace

Page 2

1 officer who is covered by a collective bargaining  
 2 agreement which provides otherwise, and do not apply  
 3 to the demotion of a division head to the rank which  
 4 the division head held at the time of appointment as  
 5 division head, if any. A division head who is demoted  
 6 has the right to return to the rank which the division  
 7 head held at the time of appointment as division head,  
 8 if any.

9 e. All rules, except employment provisions  
 10 negotiated pursuant to chapter 20, regarding the  
 11 enlistment, appointment, and employment affecting the  
 12 personnel of the department shall be established by  
 13 the commissioner in consultation with the director of  
 14 the department of administrative services, subject to  
 15 approval by the governor.>

16 2. By renumbering as necessary.

RON WIECK

**S-5258**

1 Amend Senate File 2376 as follows:

2 1. Page 23, line 35, after <districts,> by  
 3 inserting <The Iowa association of school boards is  
 4 subject to chapters 21 and 22 relating to open meetings  
 5 and public records,>

6 2. Page 24, line 29, after <districts.> by  
7 inserting <The governing board of the organization is  
8 subject to chapters 21 and 22 relating to open meetings  
9 and public records.>

PAT WARD

**S-5259**

1 Amend Senate File 2378 as follows:  
2 1. Page 29, line 27, after <2011.> by inserting  
3 <Moneys deposited into the fund are appropriated to  
4 the treasurer of state for allocation as provided in  
5 subsection 2.>  
6 2. Page 30, after line 15 by inserting:  
7 <3. Moneys remaining in the fund at or after the  
8 close of the fiscal year shall revert to the general  
9 fund of the state.  
10 4. This section is repealed June 30, 2011.>

TOM HANCOCK

**S-5260**

1 Amend Senate File 2376 as follows:  
2 1. Page 10, by striking lines 5 through 10.  
3 2. By renumbering as necessary.

PAUL McKINLEY

**S-5261**

1 Amend House File 2462, as passed by the House, as  
2 follows:  
3 1. Page 1, by striking lines 13 through 15.  
4 2. By renumbering, relettering, and redesignating  
5 as necessary.

STEVE WARNSTADT

**S-5262**

1 Amend Senate File 2376 as follows:  
2 1. Page 12, after line 21 by inserting:  
3 <Sec. \_\_\_. DISTRICT-TO-COMMUNITY COLLEGE PROGRAM  
4 AND FACILITIES SHARING PILOT PROGRAM. A consortium  
5 of five school districts and a community college may  
6 request approval from the department of education for  
7 a district-to-community college program and facilities  
8 sharing pilot program. The pilot program shall include  
9 one community college whose average annual increase  
10 in joint enrollment over the fiscal period beginning  
11 July 1, 2005, and ending June 30, 2009, was between 20  
12 and 21 percent, and five contiguous school districts,

13 each of which had a kindergarten through grade twelve  
 14 certified enrollment for the 2009–2010 school year of  
 15 not less than six hundred pupils nor more than eight  
 16 hundred pupils, with the total kindergarten through  
 17 grade twelve certified enrollment for 2009–2010 for  
 18 the school districts participating in the consortium  
 19 of not less than three thousand three hundred pupils  
 20 nor more than three thousand four hundred pupils. All  
 21 participants in the consortium shall be located within  
 22 thirty miles of two cities and a state university.  
 23 Notwithstanding any provision of law to the contrary,  
 24 the participating school district boards may enter  
 25 into joint contracts for the construction or lease of  
 26 buildings, using funds accumulated under the physical  
 27 plant and equipment levy in section 298.2. Buildings  
 28 constructed or leased pursuant to this section shall  
 29 be used primarily for providing community college  
 30 courses under a district-to-community college sharing  
 31 agreement entered into by each of the school districts  
 32 and the community college pursuant to section 257.11,  
 33 subsection 3.>  
 34 2. By renumbering as necessary.

TIM L. KAPUCIAN

**S-5263**

- 1 Amend Senate File 2376 as follows:  
 2 1. By striking page 19, line 22 through page 20,  
 3 line 7.  
 4 2. Page 20, by striking lines 8 through 13.  
 5 3. By striking page 24, line 30 through page 25,  
 6 line 23.  
 7 4. Page 25, by striking lines 24 through 30.  
 8 5. By renumbering as necessary.

RANDY FEENSTRA  
 JAMES F. HAHN  
 SHAWN HAMERLINCK  
 BRAD ZAUN  
 STEVE KETTERING  
 PAUL McKINLEY  
 JERRY BEHN  
 JAMES A. SEYMOUR  
 DAVID HARTSUCH  
 MERLIN BARTZ  
 PAT WARD  
 LARRY NOBLE  
 DAVID JOHNSON  
 TIM L. KAPUCIAN  
 KIM REYNOLDS  
 NANCY J. BOETTGER



**S-5264**

1 Amend the House amendment, S-5222, to Senate File  
2 2200, as amended, passed, and reprinted by the Senate,  
3 as follows:

- 4 1. Page 1, after line 2 by inserting:  
5 <\_\_. Page 1, by striking lines 20 through 22  
6 and inserting <probate court. The court shall inform  
7 the proposed guardian of the guardian's reporting  
8 duties under section 633.669 and other duties under  
9 the probate code. Upon transferring jurisdiction, the  
10 court shall direct the probate clerk, once the proposed  
11 guardian has filed an oath of office and identification  
12 in accordance with section 602.6111, to issue letters  
13 of appointment for guardianship and docket the case in  
14 probate. Records contained in the probate case file  
15 that were copied or transferred from the juvenile court  
16 file concerning the case shall be subject to section  
17 232.147 and other confidentiality provisions of this  
18 chapter for cases not involving juvenile delinquency.>>
- 19 2. By renumbering as necessary.

DAVID JOHNSON  
KEITH A. KREIMAN

**S-5265**

1 Amend House File 2462, as passed by the House, as  
2 follows:

- 3 1. Page 1, after line 20 by inserting:  
4 <c. This subsection shall only be utilized by  
5 a school district if the department of management  
6 determines that the rate of property tax levied by the  
7 district per one thousand dollars of assessed valuation  
8 for school funding purposes exceeds the statewide  
9 average rate of property tax levied by school districts  
10 per one thousand dollars of assessed valuation for  
11 school funding purposes.>

STEVE WARNSTADT

**S-5266**

1 Amend House File 2462, as passed by the House, as  
2 follows:

- 3 1. Page 1, after line 20 by inserting:  
4 <c. This subsection shall only be utilized by  
5 a school district if the department of management  
6 determines that the district has an assessed property  
7 tax valuation per pupil below the statewide average  
8 assessed property tax valuation per pupil.>

STEVE WARNSTADT

**S-5267**

1 Amend House File 2462, as passed by the House, as  
2 follows:  
3 1. Page 1, after line 20 by inserting:  
4 <c. Commencing with the fiscal year beginning July  
5 1, 2009, a school district that increases its cash  
6 reserve levy pursuant to section 298.10 for the fiscal  
7 year shall be prohibited from utilizing physical plant  
8 and equipment levy funds for the purposes described in  
9 this subsection for the same fiscal year.>

STEVE WARNSTADT

**S-5268**

1 Amend House File 2462, as passed by the House, as  
2 follows:  
3 1. Page 1, after line 20 by inserting:  
4 <c. This subsection shall only be utilized by a  
5 school district if the following requirements are  
6 fulfilled:  
7 (1) The board of directors has authorized the  
8 regular physical plant and equipment levy at the level  
9 of thirty-three cents per thousand dollars of assessed  
10 valuation in the district.  
11 (2) The department of management shall determine  
12 the dollar amount generated per pupil by the regular  
13 physical plant and equipment levy rate, pursuant  
14 to section 298.2, for each school district imposing  
15 the levy for each school budget year, beginning with  
16 the school budget year commencing July 1, 2009. The  
17 department shall rank the school districts from the  
18 highest dollar amount generated per pupil to the lowest  
19 dollar amount generated per pupil.  
20 (3) For each school budget year, the department  
21 shall subtract the per pupil dollar amount determined  
22 under subparagraph (2) for each applicable district  
23 from the per pupil dollar amount determined for the  
24 school district ranked as generating the highest dollar  
25 amount per pupil for that school budget year and shall  
26 multiply the remainder times the per pupil enrollment  
27 of the applicable district.  
28 (4) Notwithstanding section 257.16, subsection  
29 1, there is appropriated each school budget year from  
30 the general fund of the state an amount necessary to  
31 pay the dollar amount calculated for each district in  
32 subparagraph (3).>  
33 2. Page 2, by striking lines 11 and 12.  
34 3. Title page, lines 2 and 3, by striking <and  
35 including effective date provisions>

STEVE WARNSTADT

**S-5269**

- 1 Amend House File 2432, as passed by the House, as  
2 follows:  
3 1. Page 1, line 5, after <from> by inserting  
4 <inside and>  
5 2. Page 1, line 8, after <from> by inserting  
6 <inside and>  
7 3. Title page, line 2, after <from> by inserting  
8 <inside and>

SHAWN HAMERLINCK

**S-5270**

- 1 Amend Senate File 2380 as follows:  
2 1. Page 1, by striking lines 21 through 27 and  
3 inserting <appointed by the legislative council. In  
4 appointing the five members of each house to the  
5 committee, the council shall appoint three members from  
6 the majority party and two members from the minority  
7 party.>  
8 2. Page 10, line 10, by striking <two> and  
9 inserting <three>

JOE BOLKCOM

**S-5271**

- 1 Amend Senate File 2380 as follows:  
2 1. Page 5, line 29, by striking <2012> and  
3 inserting <2011>

ROBERT M. HOGG

**S-5272**

- 1 Amend Senate File 2290 as follows:  
2 1. Page 1, after line 20 by inserting:  
3 <c. Expenditures allowed under this subsection  
4 shall not be made until all facilities within a school  
5 district have been certified in writing by an architect  
6 registered under chapter 544A or an engineer licensed  
7 under chapter 542B as being compliant with state and  
8 local fire codes and safety codes.>

SWATI A. DANDEKAR  
MATT McCOY  
JACK HATCH  
STEVEN J. SODDERS  
STEVE WARNSTADT  
WILLIAM A. DOTZLER, JR.  
SHAWN HAMERLINCK

DAVID JOHNSON  
 KIM REYNOLDS  
 JERRY BEHN  
 PAUL McKINLEY

**S-5273**

- 1 Amend the House amendment, S-5236, to Senate File  
 2 2274, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, by striking lines 3 through 5 and  
 5 inserting:  
 6 <\_\_\_. Page 1, by striking line 17 and inserting:  
 7 <(ii) Is domiciled in this state, or has resided in  
 8 this state for at least one>  
 9 \_\_\_. Page 3, by striking line 2 and inserting:  
 10 <(ii) Is domiciled in this state, or has resided in  
 11 this state for at least one >>  
 12 2. By renumbering as necessary.

STEVE WARNSTADT

**S-5274**

- 1 Amend Senate File 2380 as follows:  
 2 1. By striking page 5, line 7, through page 24,  
 3 line 8.  
 4 2. Title page, by striking lines 1 through 5 and  
 5 inserting <An Act relating to the review and study of  
 6 certain tax incentive programs.>  
 7 3. By renumbering as necessary.

BRAD ZAUN  
 STEVE KETTERING  
 PAT WARD  
 MERLIN BARTZ  
 HUBERT HOUSER  
 KIM REYNOLDS  
 NANCY J. BOETTGER  
 JERRY BEHN  
 RON WIECK  
 JAMES F. HAHN  
 RANDY FEENSTRA  
 DAVID JOHNSON  
 TIM L. KAPUCIAN  
 SHAWN HAMERLINCK  
 JAMES A. SEYMOUR  
 LARRY NOBLE  
 PAUL McKINLEY  
 DAVID HARTSUCH

**S-5275**

- 1 Amend Senate File 2380 as follows:  
2 1. Page 24, before line 9 by inserting:  
3 <DIVISION \_\_\_\_  
4 DISASTER-RELATED PERSONAL CASUALTY  
5 LOSS DEDUCTIONS  
6 Sec. \_\_\_\_ DISASTER-RELATED PERSONAL CASUALTY  
7 LOSS DEDUCTIONS. A taxpayer is allowed to take the  
8 deduction for disaster-related casualty losses under  
9 section 165(h) of the Internal Revenue Code, as  
10 modified by the Heartland Disaster Relief Act of 2008,  
11 Pub. L. No. 110-343, in computing net income for state  
12 tax purposes.  
13 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
14 APPLICABILITY. This division of this Act, being deemed  
15 of immediate importance, takes effect upon enactment  
16 and applies retroactively to January 1, 2008, for  
17 tax years beginning on or after that date and before  
18 January 1, 2009.>  
19 2. By renumbering as necessary.

WALLY E. HORN

**S-5276**

- 1 Amend Senate File 2368 as follows:  
2 1. By striking everything after the enacting clause  
3 and inserting:  
4 <Section 1. DISASTER-RELATED PERSONAL CASUALTY  
5 LOSS DEDUCTIONS. A taxpayer is allowed to take the  
6 deduction for disaster-related casualty losses under  
7 section 165(h) of the Internal Revenue Code, as  
8 modified by the Heartland Disaster Relief Act of 2008,  
9 Pub. L. No. 110-343, in computing net income for state  
10 tax purposes.  
11 Sec. 2. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
12 APPLICABILITY. This Act, being deemed of immediate  
13 importance, takes effect upon enactment and applies  
14 retroactively to January 1, 2008, for tax years  
15 beginning on or after that date and before January 1,  
16 2009.>  
17 2. Title page, by striking lines 1 and 2 and  
18 inserting <An Act allowing taxpayers to take certain  
19 deductions available under federal law in computing net  
20 income for state income tax purposes and including>  
21 3. By renumbering as necessary.

WALLY E. HORN

**S-5277**

- 1 Amend Senate File 2309 as follows:
- 2 1. Page 1, after line 29 by inserting:
- 3 <Sec. \_\_\_\_ Section 633.63, subsection 1, Code 2009,
- 4 is amended to read as follows:
- 5 1. Any natural person of full age, who is a
- 6 resident of this state, is qualified to serve as a
- 7 fiduciary, except any of the following:
- 8 a. ~~One who is under legal incompetency or is a~~
- 9 ~~chronic alcoholic or a spendthrift~~ A person who is
- 10 incompetent.
- 11 b. Any other person whom the court determines to be
- 12 unsuitable.>
- 13 2. By striking page 10, line 1, through page 11,
- 14 line 1.
- 15 3. By renumbering as necessary.

ROBERT M. HOGG

**S-5278**

- 1 Amend Senate File 2311 as follows:
- 2 1. By striking everything after the enacting clause
- 3 and inserting:
- 4 <Section 1. Section 85.36, subsection 9, paragraph
- 5 a, Code 2009, is amended to read as follows:
- 6 a. In computing the compensation to be allowed
- 7 a volunteer fire fighter, emergency medical care
- 8 provider, reserve peace officer, volunteer ambulance
- 9 driver, ~~volunteer emergency rescue technician as~~
- 10 ~~defined in section 147A.1, or emergency medical~~
- 11 ~~technician trainee~~, the earnings as a fire fighter,
- 12 emergency medical care provider, reserve peace officer,
- 13 ~~or~~ or volunteer ambulance driver, ~~volunteer emergency~~
- 14 ~~rescue technician, or emergency medical technician~~
- 15 ~~trainee~~ shall be disregarded and the volunteer fire
- 16 fighter, emergency medical care provider, reserve peace
- 17 officer, or volunteer ambulance driver, ~~volunteer~~
- 18 ~~emergency rescue technician, or emergency medical~~
- 19 ~~technician trainee~~ shall be paid an amount equal
- 20 to the compensation the volunteer fire fighter,
- 21 emergency medical care provider, reserve peace officer,
- 22 or volunteer ambulance driver, ~~volunteer emergency~~
- 23 ~~rescue technician, or emergency medical technician~~
- 24 ~~trainee~~ would be paid if injured in the normal
- 25 course of the volunteer fire fighter's, emergency
- 26 medical care provider's, reserve peace officer's,
- 27 or volunteer ambulance driver's, ~~volunteer emergency~~
- 28 ~~rescue technician's, or emergency medical technician~~
- 29 ~~trainee's~~ regular employment or an amount equal to one
- 30 hundred and forty percent of the statewide average
- 31 weekly wage, whichever is greater.

32 Sec. 2. Section 85.61, subsection 2, paragraph a,  
33 Code 2009, is amended to read as follows:

34 a. A person, firm, association, or corporation,  
35 state, county, municipal corporation, school  
36 corporation, area education agency, township as  
37 an employer of volunteer fire fighters, ~~volunteer~~  
38 ~~emergency rescue technicians~~, and emergency medical  
39 care providers only, benefited fire district, and the  
40 legal representatives of a deceased employer.

41 Sec. 3. Section 85.61, subsection 7, paragraph b,  
42 Code 2009, is amended to read as follows:

43 b. Personal injuries sustained by ~~volunteer~~  
44 ~~emergency rescue technicians~~ or emergency medical care  
45 providers as defined in section 147A.1 arise in the  
46 course of employment if the injuries are sustained at  
47 any time from the time the ~~volunteer emergency rescue~~  
48 ~~technicians~~ or emergency medical care providers are  
49 summoned to duty until the time those duties have been  
50 fully discharged.

Page 2

1 Sec. 4. Section 85.61, subsection 11, paragraph  
2 a, subparagraph (2), Code 2009, is amended to read as  
3 follows:

4 (2) An emergency medical care provider as defined  
5 in section 147A.1, ~~a volunteer emergency rescue~~  
6 ~~technician as defined in section 147A.1, or a volunteer~~  
7 ~~ambulance driver, or an emergency medical technician~~  
8 ~~trainee~~, only if an agreement is reached between  
9 such worker or employee and the employer for whom  
10 the volunteer services are provided that workers'  
11 compensation coverage under this chapter and chapters  
12 85A and 85B is to be provided by the employer. An  
13 emergency medical care provider ~~or volunteer emergency~~  
14 ~~rescue technician~~ who is a worker or employee under  
15 this subparagraph is not a casual employee. "Volunteer  
16 ambulance driver" means a person performing services  
17 as a volunteer ambulance driver at the request  
18 of the person in charge of a fire department or  
19 ambulance service of a municipality. ~~"Emergency~~  
20 ~~medical technician trainee" means a person enrolled~~  
21 ~~in and training for emergency medical technician~~  
22 ~~certification.~~

23 Sec. 5. Section 100B.31, subsection 3, paragraph b,  
24 Code Supplement 2009, is amended to read as follows:

25 b. A person performing the functions of an  
26 emergency medical care provider ~~or emergency rescue~~  
27 ~~technician~~ as defined in section 147A.1 who was not  
28 paid full-time by the entity for which such services  
29 were being performed at the time the incident giving  
30 rise to the death occurred.

31 Sec. 6. Section 147A.1, subsection 4, Code  
 32 Supplement 2009, is amended to read as follows:  
 33 4. “Emergency medical care provider” means  
 34 an individual trained to provide emergency and  
 35 nonemergency medical care at the ~~first responder,~~  
 36 ~~EMT basic, EMT intermediate, EMT paramedic~~  
 37 ~~level,~~ emergency medical responder, emergency medical  
 38 technician, advanced emergency medical technician,  
 39 paramedic, or other certification levels adopted  
 40 by rule by the department, who has been issued a  
 41 certificate by the department.

42 Sec. 7. Section 147A.1, subsections 6, 8, and  
 43 9, Code Supplement 2009, are amended by striking the  
 44 subsections.

45 Sec. 8. Section 147A.1, Code Supplement 2009, is  
 46 amended by adding the following new subsections:  
 47 NEW SUBSECTION. 11. “Service program” or  
 48 “service” means any medical care ambulance service or  
 49 nontransport service that has received authorization  
 50 from the department under section 147A.5.

Page 3

1 NEW SUBSECTION. 12. “Training program” means an  
 2 Iowa college approved by the north central association  
 3 of colleges and schools or an Iowa hospital authorized  
 4 by the department to conduct emergency medical care  
 5 services training.

6 Sec. 9. Section 147A.2, Code 2009, is amended to  
 7 read as follows:  
 8 147A.2 Council established — terms of office.  
 9 1. An EMS advisory council shall be appointed  
 10 by the director. Membership of the council shall  
 11 be comprised of individuals nominated from, but  
 12 not limited to, the following state or national  
 13 organizations: Iowa osteopathic medical association,  
 14 Iowa medical society, American college of emergency  
 15 physicians, Iowa physician assistant society, Iowa  
 16 academy of family physicians, university of Iowa  
 17 hospitals and clinics, American academy of emergency  
 18 medicine, American academy of pediatrics, Iowa  
 19 EMS association, Iowa firemen’s association, Iowa  
 20 professional firefighters, EMS education programs  
 21 committee, ~~EMS regional council,~~ Iowa nurses  
 22 association, Iowa hospital association, and the Iowa  
 23 state association of counties. The council shall also  
 24 include a member-at-large who is an emergency medical  
 25 care provider.

26 2. The EMS advisory council shall advise the  
 27 director and develop policy recommendations concerning  
 28 the regulation, administration, and coordination of  
 29 emergency medical services in the state.



30 Sec. 10. Section 147A.4, Code Supplement 2009, is  
31 amended to read as follows:

32 147A.4 Rulemaking authority.

33 1. a. The department shall adopt rules required  
34 or authorized by this subchapter pertaining to the  
35 operation of ~~ambulance, rescue, and first response~~  
36 ~~services~~ service programs which have received  
37 authorization under section 147A.5 to utilize the  
38 services of certified emergency medical care providers.  
39 These rules shall include but need not be limited  
40 to requirements concerning physician supervision,  
41 necessary equipment and staffing, and reporting by  
42 ~~ambulance, rescue, and first response services~~ service  
43 programs which have received the authorization pursuant  
44 to section 147A.5.

45 b. The director, pursuant to rule, may grant  
46 exceptions and variances from the requirements of  
47 rules adopted under this subchapter for any ~~ambulance,~~  
48 ~~rescue, or first response~~ service program. Exceptions  
49 or variations shall be reasonably related to undue  
50 hardships which existing services experience in

Page 4

1 complying with this subchapter or the rules adopted  
2 pursuant to this subchapter. ~~However, no exception or~~  
3 ~~variance may be granted unless the service adopted a~~  
4 ~~plan approved by the department prior to July 1, 1996,~~  
5 ~~to achieve compliance during a period not to exceed~~  
6 ~~seven years with this subchapter and rules adopted~~  
7 ~~pursuant to this subchapter.~~ Services requesting  
8 exceptions and variances shall be subject to other  
9 applicable rules adopted pursuant to this subchapter.

10 2. The department shall adopt rules required  
11 or authorized by this subchapter pertaining to the  
12 examination and certification of emergency medical  
13 care providers. These rules shall include, but  
14 need not be limited to, requirements concerning  
15 prerequisites, training, and experience for emergency  
16 medical care providers and procedures for determining  
17 when individuals have met these requirements. The  
18 department shall adopt rules to recognize the  
19 previous EMS training and experience of ~~first~~  
20 ~~responders and emergency medical technicians to~~  
21 ~~provide for an equitable transition to the EMT basic~~  
22 ~~certification~~ emergency medical care providers  
23 transitioning to the emergency medical responder,  
24 emergency medical technician, advanced emergency  
25 medical technician, and paramedic levels. The  
26 department may require additional training and  
27 examinations as necessary and appropriate to ensure  
28 that individuals seeking ~~certification~~ transition to

29 another level have met the ~~EMT basic~~ knowledge and  
 30 skill requirements. All requirements for transition  
 31 to another level, including fees, shall be adopted by  
 32 rule.

33 3. The department shall establish the fee for the  
 34 examination of the emergency medical care providers  
 35 to cover the administrative costs of the examination  
 36 program.

37 4. The department shall adopt rules required  
 38 or authorized by this subchapter pertaining to the  
 39 operation of training programs. These rules shall  
 40 include but need not be limited to requirements  
 41 concerning curricula, resources, facilities, and staff.

42 Sec. 11. Section 147A.5, subsections 1 and 3, Code  
 43 2009, are amended to read as follows:

44 1. ~~An ambulance, rescue, or first~~  
 45 ~~response~~ A service program in this state that  
 46 desires to provide emergency medical care in the  
 47 out-of-hospital setting shall apply to the department  
 48 for authorization to establish a program for delivery  
 49 of the care at the scene of an emergency, during  
 50 transportation to a hospital, during transfer from

Page 5

1 one medical care facility to another or to a private  
 2 residence, or while in the hospital emergency  
 3 department, and until care is directly assumed by a  
 4 physician or by authorized hospital personnel.  
 5 3. The department may deny an application for  
 6 authorization, or may impose a civil penalty not to  
 7 exceed one thousand dollars upon, place on probation,  
 8 suspend, or revoke the authorization of, or otherwise  
 9 discipline a service program with an existing  
 10 authorization if the department finds reason to  
 11 believe the service program has not been or will not  
 12 be operated in compliance with this subchapter and the  
 13 rules adopted pursuant to this subchapter, or that  
 14 there is insufficient assurance of adequate protection  
 15 for the public. The authorization, denial, or civil  
 16 penalty, period of probation, suspension, or  
 17 revocation, or other disciplinary action shall be  
 18 effected and may be appealed as provided by section  
 19 17A.12.

20 Sec. 12. Section 147A.6, Code 2009, is amended to  
 21 read as follows:

22 147A.6 Emergency medical care provider certificates  
 23 — renewal.

24 1. The department, upon application and receipt  
 25 of the prescribed fee, shall issue a certificate to  
 26 an individual who has met all of the requirements  
 27 for emergency medical care provider certification

28 established by the rules adopted under section 147A.4,  
29 subsection 2. All fees and civil penalties received  
30 pursuant to this section and sections 147A.5, 147A.7,  
31 and 147A.17 shall be deposited in the emergency medical  
32 services fund established in section 135.25.

33 2. Emergency medical care provider certificates  
34 are valid for the multiyear period determined by the  
35 department, unless sooner suspended or revoked. The  
36 certificate shall be renewed upon application of  
37 the holder and receipt of the prescribed fee if the  
38 holder has satisfactorily completed continuing medical  
39 education programs as required by rule.

40 3. If the certificate holder fails to complete  
41 the required continuing education prior to the time  
42 of renewal, the certificate holder may request a  
43 forty-five day extension. Request for extension must  
44 be submitted to the department prior to the expiration  
45 date and include a fifty dollar extension fee. The  
46 certificate may be renewed only during that forty-five  
47 day period on submission of a completed renewal  
48 application, and payment of applicable renewal fee.

49 Sec. 13. Section 147A.7, Code 2009, is amended to  
50 read as follows:

Page 6

1 147A.7 Denial, suspension, or revocation of  
2 certificates — other disciplinary action — hearing —  
3 appeal.

4 1. The department may deny an application for  
5 issuance or renewal of an emergency medical care  
6 provider certificate or may impose a civil penalty  
7 not to exceed one thousand dollars upon, place on  
8 probation, or suspend or revoke the certificate of,  
9 or otherwise discipline the certificate holder when  
10 it finds that the applicant or certificate holder is  
11 guilty of any of the following acts or offenses:  
12 a. Negligence in performing authorized services.  
13 b. Failure to follow the directions of the  
14 supervising physician.  
15 c. Rendering treatment not authorized under this  
16 subchapter.  
17 d. Fraud in procuring certification.  
18 e. Professional incompetency.  
19 f. Knowingly making misleading, deceptive, untrue  
20 or fraudulent representation in the practice of a  
21 profession or engaging in unethical conduct or practice  
22 harmful or detrimental to the public. Proof of actual  
23 injury need not be established.  
24 g. Habitual intoxication or addiction to the use of  
25 drugs.  
26 h. Fraud in representations as to skill or ability.

27 i. Willful or repeated violations of this  
 28 subchapter or of rules adopted pursuant to this  
 29 subchapter.

30 j. Violating a statute of this state, another  
 31 state, or the United States, without regard to its  
 32 designation as either a felony or misdemeanor, which  
 33 relates to the practice of an emergency medical care  
 34 provider. A copy of the record of conviction or plea  
 35 of guilty is conclusive evidence of the violation.

36 k. Having certification to practice as an emergency  
 37 medical care provider revoked or suspended, or having  
 38 other disciplinary action taken by a licensing or  
 39 certifying authority of another state, territory, or  
 40 country. A certified copy of the record or order of  
 41 suspension, revocation, or disciplinary action is  
 42 conclusive or prima facie evidence.

43 l. Other acts or offenses as specified by rule.

44 2. A determination of mental incompetence by a  
 45 court of competent jurisdiction automatically suspends  
 46 a certificate for the duration of the certificate  
 47 unless the department orders otherwise.

48 3. A denial, civil penalty, period of  
 49 probation, suspension, or revocation under this  
 50 section shall be effected, and may be appealed in

Page 7

1 accordance with the rules of the department established  
 2 pursuant to chapter 272C.

3 Sec. 14. Section 147A.8, Code Supplement 2009, is  
 4 amended to read as follows:

5 147A.8 Authority of certified emergency medical care  
 6 provider.

7 ~~1.~~ An emergency medical care provider properly  
 8 certified under this subchapter may:

9 ~~a.~~ 1. Render emergency and nonemergency medical  
 10 care, rescue, and lifesaving services in those areas  
 11 for which the emergency medical care provider is  
 12 certified, as defined and approved in accordance  
 13 with the rules of the department, at the scene of an  
 14 emergency, during transportation to a hospital or while  
 15 in the hospital emergency department, and until care  
 16 is directly assumed by a physician or by authorized  
 17 hospital personnel.

18 ~~b.~~ 2. Function in any hospital or any other entity  
 19 in which health care is ordinarily provided only when  
 20 under the direct supervision, as defined by rules  
 21 adopted pursuant to chapter 17A, of a physician, when  
 22 the emergency care provider is any of the following:

23 ~~(1)~~ a. Enrolled as a student or participating  
 24 as a preceptor in a training program approved by the  
 25 department; ~~or~~ or an agency authorized in another state

26 to provide initial EMS education and approved by the  
 27 department.

28 ~~(2)~~ b. Fulfilling continuing education  
 29 requirements as defined by rule; ~~or,~~  
 30 ~~(3)~~ c. Employed by or assigned to a hospital  
 31 or other entity in which health care is ordinarily  
 32 provided only when under the direct supervision of a  
 33 physician, as a member of an authorized ~~ambulance,~~  
 34 ~~rescue, or first response~~ service program, or in  
 35 an individual capacity, by rendering lifesaving  
 36 services in the facility in which employed or assigned  
 37 pursuant to the emergency medical care provider's  
 38 certification and under the direct supervision of a  
 39 physician, physician assistant, or registered nurse.  
 40 An emergency medical care provider shall not routinely  
 41 function without the direct supervision of a physician,  
 42 physician assistant, or registered nurse. However,  
 43 when the physician, physician assistant, or registered  
 44 nurse cannot directly assume emergency care of a  
 45 patient, the emergency medical care provider may  
 46 perform without direct supervision emergency medical  
 47 care procedures for which that individual is certified  
 48 if the life of the patient is in immediate danger and  
 49 such care is required to preserve the patient's life;  
 50 ~~or.~~

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1 ~~(4)~~ d. Employed by or assigned to a hospital  
 2 or other entity in which health care is ordinarily  
 3 provided only when under the direct supervision of a  
 4 physician, as a member of an authorized ~~ambulance,~~  
 5 ~~rescue, or first response~~ service program, or in  
 6 an individual capacity, to perform nonlifesaving  
 7 procedures for which those individuals have been  
 8 certified and are designated in a written job  
 9 description. Such procedures may be performed after  
 10 the patient is observed by and when the emergency  
 11 medical care provider is under the supervision of the  
 12 physician, physician assistant, or registered nurse,  
 13 including when the registered nurse is not acting in  
 14 the capacity of a physician designee, and where the  
 15 procedure may be immediately abandoned without risk to  
 16 the patient.

17 ~~2. Nothing in this subchapter shall be construed~~  
 18 ~~to require any voluntary ambulance, rescue, or first~~  
 19 ~~response service to provide a level of care beyond~~  
 20 ~~minimum basic care standards.~~

21 Sec. 15. Section 147A.11, Code 2009, is amended to  
 22 read as follows:

23 147A.11 Prohibited acts.

24 1. Any person not certified as required by this

25 subchapter who claims to be an emergency medical care  
 26 provider, or who uses any other term to indicate or  
 27 imply that the person is an emergency medical care  
 28 provider, or who acts as an emergency medical care  
 29 provider without having obtained the appropriate  
 30 certificate under this subchapter, is guilty of a class  
 31 "D" felony.

32 2. An owner of an unauthorized ~~ambulance, rescue,~~  
 33 ~~or first response~~ service program in this state who  
 34 operates or purports to operate ~~an ambulance, rescue,~~  
 35 ~~or first response~~ a service program, or who uses any  
 36 term to indicate or imply authorization without having  
 37 obtained the appropriate authorization under this  
 38 subchapter, is guilty of a class "D" felony.

39 3. Any person who imparts or conveys, or causes  
 40 to be imparted or conveyed, or attempts to impart  
 41 or convey false information concerning the need  
 42 for assistance of ~~an ambulance, rescue, or first~~  
 43 ~~response~~ a service program or of any personnel or  
 44 equipment thereof, knowing such information to be  
 45 false, is guilty of a serious misdemeanor.

46 Sec. 16. Section 147A.12, subsection 1, Code 2009,  
 47 is amended to read as follows:

48 1. This subchapter does not restrict a registered  
 49 nurse, licensed pursuant to chapter 152, from  
 50 staffing an authorized ~~ambulance, rescue, or first~~

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1 ~~response~~ service program provided the registered  
 2 nurse can document equivalency through education and  
 3 additional skills training essential in the delivery of  
 4 out-of-hospital emergency care. The equivalency shall  
 5 be accepted when:

6 a. Documentation has been reviewed and approved  
 7 at the local level by the medical director of the  
 8 ~~ambulance, rescue, or first response~~ service program n  
 9 accordance with the rules of the board of nursing  
 10 developed jointly with the department.

11 b. Authorization has been granted to that  
 12 ~~ambulance, rescue, or first response~~ service program by  
 13 the department.

14 Sec. 17. Section 147A.13, Code 2009, is amended to  
 15 read as follows:

16 147A.13 Physician assistant exception.  
 17 This subchapter does not restrict a physician  
 18 assistant, licensed pursuant to chapter 148C, from  
 19 staffing an authorized ~~ambulance, rescue, or first~~  
 20 ~~response~~ service program if the physician assistant  
 21 can document equivalency through education and  
 22 additional skills training essential in the delivery of  
 23 out-of-hospital emergency care. The equivalency shall

24 be accepted when:

25 1. Documentation has been reviewed and approved  
26 at the local level by the medical director of the  
27 ~~ambulance, rescue, or first response service~~ program in  
28 accordance with the rules of the board of physician  
29 assistants developed after consultation with the  
30 department.

31 2. Authorization has been granted to that  
32 ~~ambulance, rescue, or first response service~~ program by  
33 the department.

34 Sec. 18. NEW SECTION. 147A.17 Applications for  
35 emergency medical care services training programs —  
36 approval or denial — disciplinary actions.

37 1. An Iowa college approved by the north central  
38 association of colleges and schools or an Iowa hospital  
39 in this state that desires to provide emergency medical  
40 care services training leading to certification as an  
41 emergency medical care provider shall apply to the  
42 department for authorization to establish a training  
43 program.

44 2. The department shall approve an application  
45 submitted in accordance with subsection 1 when the  
46 department is satisfied that the program proposed by  
47 the application will be operated in compliance with  
48 this subchapter and the rules adopted pursuant to this  
49 subchapter.

50 3. The department may deny an application for

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1 authorization or may impose a civil penalty not to  
2 exceed one thousand dollars upon, place on probation,  
3 suspend or revoke the authorization of, or otherwise  
4 discipline a training program with an existing  
5 authorization if the department finds reason to believe  
6 the program has not been or will not be operated  
7 in compliance with this subchapter and the rules  
8 adopted pursuant to this subchapter, or that there  
9 is insufficient assurance of adequate protection for  
10 the public. The authorization denial, civil penalty,  
11 period of probation, suspension, or revocation, or  
12 other disciplinary action shall be effected and may be  
13 appealed as provided by section 17A.12.

14 Sec. 19. Section 321.267A, subsection 5, Code 2009,  
15 is amended to read as follows:

16 5. For the purposes of this section, “other  
17 emergency responder” means a fire fighter certified  
18 as a fire fighter I pursuant to rules adopted under  
19 chapter 100B and trained in emergency driving or an  
20 emergency medical ~~responder~~ care provider certified  
21 under chapter 147A and trained in emergency driving.

22 Sec. 20. Section 724.6, subsection 2, Code

23 Supplement 2009, is amended to read as follows:  
 24 2. Notwithstanding subsection 1, fire fighters,  
 25 as defined in section 411.1, subsection 10, airport  
 26 fire fighters included under section 97B.49B, ~~emergency~~  
 27 ~~rescue technicians~~, and emergency medical care  
 28 providers, as defined in section 147A.1, shall not,  
 29 as a condition of employment, be required to obtain a  
 30 permit under this section. However, the provisions of  
 31 this subsection shall not apply to a person designated  
 32 as an arson investigator by the chief fire officer of  
 33 a political subdivision.>

JEFF DANIELSON

**S-5279**

1 Amend House File 2459, as passed by the House, as  
 2 follows:  
 3 1. Page 3, line 18, after <improvement> by  
 4 inserting <including but not limited to incentives  
 5 for participation in a watershed management authority  
 6 created under this chapter>  
 7 2. Page 3, after line 20 by inserting:  
 8 <Sec. \_\_. NEW SECTION. 466B.11 Watershed  
 9 demonstration pilot projects.  
 10 The department of natural resources and the  
 11 department of agriculture and land stewardship, in  
 12 collaboration with the United States department of  
 13 agriculture's natural resources conservation service  
 14 and the Iowa flood center established pursuant to  
 15 section 466C.1, and in cooperation with the council,  
 16 shall seek funding to plan, implement, and monitor  
 17 one or more watershed demonstration pilot projects  
 18 for urban and rural areas involving a twelve-digit  
 19 hydrologic unit code subwatershed as defined by the  
 20 United States geological survey. The pilot projects  
 21 shall include features that seek to do all of the  
 22 following:  
 23 1. Maximize soil water holding capacity from  
 24 precipitation.  
 25 2. Minimize severe scour erosion and sand  
 26 deposition during floods.  
 27 3. Manage water runoff in uplands under saturated  
 28 soil moisture conditions.  
 29 4. Reduce and mitigate structural and nonstructural  
 30 flood damage.  
 31 Sec. \_\_. NEW SECTION. 466B.21 Definitions.  
 32 As used in this subchapter, unless the context  
 33 otherwise requires:  
 34 1. "Authority" means a watershed management  
 35 authority created pursuant to a chapter 28E agreement  
 36 as provided in this subchapter.  
 37 2. "Board" means a board of directors of a



38 watershed management authority.  
39 3. "Political subdivision" means cities, counties,  
40 and soil and water conservation districts.  
41 Sec. \_\_\_\_ NEW SECTION. 466B.22 Watershed  
42 management authorities created.  
43 1. Two or more political subdivisions may  
44 create, by chapter 28E agreement, a watershed  
45 management authority pursuant to this subchapter. The  
46 participating political subdivisions must be located  
47 in the same United States geological survey hydrologic  
48 unit code 8 watershed.  
49 2. The chapter 28E agreement shall include a map  
50 showing the area and boundaries of the authority.

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1 3. A county or a soil and water conservation  
2 district may participate in more than one authority  
3 created pursuant to this subchapter.  
4 4. A political subdivision is not required to  
5 participate in a watershed management authority or be a  
6 party to a chapter 28E agreement under this subchapter.  
7 Sec. \_\_\_\_ NEW SECTION. 466B.23 Duties.  
8 A watershed management authority may perform all of  
9 the following duties:  
10 1. Assess the flood risks in the watershed.  
11 2. Assess the water quality in the watershed.  
12 3. Assess options for reducing flood risk and  
13 improving water quality in the watershed.  
14 4. Monitor federal flood risk planning and  
15 activities.  
16 5. Educate residents of the watershed area  
17 regarding water quality and flood risks.  
18 6. Allocate moneys made available to the authority  
19 for purposes of water quality and flood mitigation.  
20 7. Make and enter into contracts and agreements  
21 and execute all instruments necessary or incidental  
22 to the performance of the duties of the authority.  
23 A watershed management authority shall not acquire  
24 property by eminent domain.  
25 Sec. \_\_\_\_ NEW SECTION. 466B.24 Board of directors.  
26 1. An authority shall be governed by a board  
27 of directors. Members of a board of directors of  
28 an authority shall be divided among the political  
29 subdivisions comprising the authority and shall be  
30 appointed by the respective political subdivision's  
31 elected legislative body.  
32 2. Representation on a board and the number of  
33 directors comprising a board shall be determined by  
34 agreement between the political subdivisions comprising  
35 the authority.  
36 3. The composition of the board regarding

37 participating cities and counties shall be based on the  
38 proportion of the population of each participating city  
39 or county to the total population of the participating  
40 cities and counties. Each participating soil and water  
41 conservation district shall have at least one director  
42 on the board. This subsection shall not apply if a  
43 chapter 28E agreement under this subchapter provides an  
44 alternative board composition method.

45 4. The directors shall serve staggered terms of  
46 four years. The initial board shall determine, by  
47 lot, the initial terms to be shortened and lengthened,  
48 as necessary, to achieve staggered terms. A person  
49 appointed to fill a vacancy shall be appointed in  
50 the same manner as the original appointment for the

Page 3

1 duration of the unexpired term. A director is eligible  
2 for reappointment. This subsection shall not apply if  
3 a chapter 28E agreement under this subchapter provides  
4 an alternative for the length of term, appointment, and  
5 reappointment of directors.

6 5. A board may provide procedures for the removal  
7 of a director who fails to attend three consecutive  
8 regular meetings of the board. If a director is  
9 so removed, a successor shall be appointed for the  
10 duration of the unexpired term of the removed director  
11 in the same manner as the original appointment. The  
12 appointing body may at any time remove a director  
13 appointed by it for misfeasance, nonfeasance, or  
14 malfeasance in office.

15 6. A board shall adopt bylaws and shall elect  
16 one director as chairperson and one director as vice  
17 chairperson, each for a term of two years, and shall  
18 appoint a secretary who need not be a director.

19 7. A majority of the membership of a board of  
20 directors shall constitute a quorum for the purpose  
21 of holding a meeting of the board. The affirmative  
22 vote of a majority of a quorum shall be necessary  
23 for any action taken by an authority unless the  
24 authority's bylaws specify those particular actions of  
25 the authority requiring a greater number of affirmative  
26 votes. A vacancy in the membership of the board shall  
27 not impair the rights of a quorum to exercise all the  
28 rights and perform all the duties of the authority.

29 Sec. \_\_. NEW SECTION. 466B.25 Activities  
30 coordination.

31 In all activities of a watershed management  
32 authority, the authority shall coordinate and  
33 cooperate with the department of natural resources,  
34 the department of agriculture and land stewardship,  
35 councils of governments, public drinking water

36 utilities, and soil and water conservation districts.>  
37 3. Title page, by striking line 1 and inserting <An  
38 Act relating to watersheds.>  
39 4. By renumbering as necessary.

ROBERT M. HOGG

**S-5280**

1 Amend House File 2518, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 9, line 19, by striking <five> and  
4 inserting <seven>  
5 2. Page 9, line 20, by striking <five> and  
6 inserting <seven>  
7 3. Page 9, line 24, by striking <fifth> and  
8 inserting <seventh>  
9 4. Page 9, line 27, by striking <four> and  
10 inserting <six>  
11 5. Page 9, line 28, by striking <fifth> and  
12 inserting <seventh>  
13 6. Page 9, line 33, by striking <five-year> and  
14 inserting <seven-year>  
15 7. Page 10, line 1, by striking <five-year> and  
16 inserting <seven-year>  
17 8. Page 10, line 5, by striking <fifth> and  
18 inserting <seventh>  
19 9. Page 10, line 9, by striking <five-year> and  
20 inserting <seven-year>  
21 10. Page 10, line 10, by striking <five-year> and  
22 inserting <seven-year>  
23 11. Page 10, line 17, by striking <five-year> and  
24 inserting <seven-year>

STEVE KETTERING

**S-5281**

1 Amend House File 2518, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 9, after line 13 by inserting:  
4 <Sec. \_\_. Section 97B.1A, subsection 8, paragraph  
5 b, Code Supplement 2009, is amended by adding the  
6 following new subparagraph:  
7 NEW SUBPARAGRAPH. (10) Individuals, employed by  
8 an employer beginning after July 1, 2010, receiving a  
9 service retirement allowance under section 97A.6.>  
10 2. Page 13, after line 31 by inserting:  
11 <Sec. \_\_. Section 97B.11, Code 2009, is amended by  
12 adding the following new subsection:  
13 NEW SUBSECTION. 4. Notwithstanding any provision  
14 of this section to the contrary, an employer of a

15 person who is not a member of the system pursuant  
 16 to section 97B.1A, subsection 8, paragraph “b”,  
 17 subparagraph (10), or section 97B.48A, subsection 6,  
 18 shall make a contribution to the system in the amount  
 19 of the applicable employer percentage of the covered  
 20 wages of that person as if the person was a member of  
 21 the system.

22 Sec. \_\_\_\_ Section 97B.48A, Code 2009, is amended by  
 23 adding the following new subsection:

24 **NEW SUBSECTION.** 6. Notwithstanding any provision  
 25 of this section to the contrary, if a retired member  
 26 whose first month of entitlement is July 2010 or later  
 27 is reemployed in a position which would otherwise be  
 28 considered covered employment under this chapter,  
 29 the retired member shall not become an active member  
 30 of the system upon reemployment, and the retired  
 31 member so reemployed and the employer shall not make  
 32 contributions to the system based upon the retired  
 33 member’s compensation for reemployment except as  
 34 provided in section 97B.11, subsection 4. A retired  
 35 member who is so reemployed as provided in this  
 36 subsection shall continue to receive a retirement  
 37 allowance, and the retirement allowance shall not  
 38 be redetermined based upon the retired member’s  
 39 reemployment.>

40 3. By renumbering as necessary.

STEVE KETTERING

**S-5282**

1 Amend House File 2193, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 3, line 35, after <provider> by inserting  
 4 <and two members-at-large who are volunteer emergency  
 5 medical care providers>

DAVID JOHNSON

**S-5283**

1 Amend House File 2432, as passed by the House, as  
 2 follows:

3 1. By striking everything after the enacting clause  
 4 and inserting:

5 <Section 1. RACIAL AND ETHNIC MINORITY TEACHER  
 6 RECRUITMENT STUDY. Representatives of the department  
 7 of education, the area education agencies, and public  
 8 and private colleges and universities shall study the  
 9 opportunities for the recruitment and retention of  
 10 racial and ethnic minority teachers. Specifically, the  
 11 representatives shall examine the following issues:

12 1. Examine strategies to encourage racial and  
 13 ethnic minority high school students to enter the  
 14 teaching profession.  
 15 2. Examine how to recruit racial and ethnic  
 16 minority students interested in post-secondary teacher  
 17 preparatory programs into attending an Iowa college or  
 18 university teacher preparatory program.  
 19 3. Examine strategies to recruit racial and ethnic  
 20 minority teachers to continue their careers as school  
 21 administrators in Iowa.  
 22 For the purposes of this study, “racial and ethnic  
 23 minority” includes individuals who are African  
 24 American, Latinos, Asians or Pacific Islanders,  
 25 American Indians, and Alaskan Native Americans.  
 26 The state board of regents shall be responsible for  
 27 providing staffing assistance to the study group. The  
 28 representatives shall report their findings to the  
 29 general assembly by January 10, 2011.>  
 30 2. Title page, line 2, by striking <from outside  
 31 the state>

BECKY SCHMITZ

**S-5284**

1 Amend House File 2462, as passed by the House, as  
 2 follows:  
 3 1. Page 1, after line 20 by inserting:  
 4 <c. Expenditures allowed under this subsection  
 5 shall not be made until all facilities within a  
 6 school district have been certified in writing as  
 7 being compliant with state and local fire codes,  
 8 safety codes, provisions of the federal Americans  
 9 with Disabilities Act, 42 U.S.C. § 12101–12117, by  
 10 an architect registered under chapter 544A or an  
 11 engineer licensed under chapter 542B, and the removal,  
 12 management, or abatement of environmental hazards, such  
 13 as asbestos and lead, are fully funded.>

SWATI A. DANDEKAR  
 MATT McCOY  
 JACK HATCH  
 STEVEN J. SODDERS  
 STEVE WARNSTADT  
 WILLIAM A. DOTZLER, JR.  
 SHAWN HAMERLINCK  
 DAVID JOHNSON  
 KIM REYNOLDS  
 JERRY BEHN  
 PAUL McKINLEY

**S-5285**

1 Amend House File 2518, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 19, after line 17 by inserting:  
 4 <Sec. \_\_\_. IOWA PUBLIC EMPLOYEES' RETIREMENT  
 5 SYSTEM — DEVELOPMENT OF DEFINED CONTRIBUTION PLAN  
 6 OPTION PROPOSAL. The Iowa public employees' retirement  
 7 system shall develop a proposal to establish a defined  
 8 contribution plan option alternative for new employees  
 9 in regular service under the system. The system shall  
 10 submit a report, which shall include a legislative  
 11 proposal for establishing a defined contribution plan  
 12 option, to the general assembly by January 10, 2011.>  
 13 2. By renumbering as necessary.

RANDY FEENSTRA  
 JERRY BEHN  
 SHAWN HAMERLINCK  
 PAT WARD  
 JAMES F. HAHN  
 STEVE KETTERING  
 TIM L. KAPUCIAN  
 DAVID JOHNSON  
 NANCY J. BOETTGER  
 JAMES A. SEYMOUR  
 BRAD ZAUN

**S-5286**

1 Amend Senate File 2381 as follows:  
 2 1. Page 5, before line 1 by inserting:  
 3 <Sec. \_\_\_. Section 321.234, subsection 2, Code  
 4 2009, is amended to read as follows:  
 5 2. A person, including a peace officer, riding a  
 6 bicycle on the highway is subject to the provisions of  
 7 this chapter and has all the rights and duties under  
 8 this chapter applicable to the driver of a vehicle,  
 9 including but not limited to the duty to obey traffic  
 10 signs and signals, except those provisions of this  
 11 chapter which by their nature can have no application  
 12 or those provisions for which specific exceptions have  
 13 been set forth regarding police bicycles.>  
 14 2. Page 5, after line 8 by inserting:  
 15 <Sec. \_\_\_. NEW SECTION. 321.281 Actions against  
 16 bicyclists.  
 17 1. A person operating a motor vehicle shall not  
 18 steer the motor vehicle unreasonably close to or toward  
 19 a person riding a bicycle on a highway, including the  
 20 roadway or the shoulder adjacent to the roadway.  
 21 2. A person shall not knowingly project any object  
 22 or substance at or against a person riding a bicycle

23 on a highway.

24 3. A person who violates this section commits a  
25 simple misdemeanor punishable as a scheduled violation  
26 under section 805.8A, subsection 14, paragraph "k".

27 Sec. \_\_\_\_ Section 321.288, Code 2009, is amended by  
28 adding the following new subsection:

29 NEW SUBSECTION. 7. When approaching and passing a  
30 bicycle on the highway.

31 Sec. \_\_\_\_ Section 321.299, Code 2009, is amended to  
32 read as follows:

33 321.299 Overtaking a vehicle.

34 The following rules shall govern the overtaking and  
35 passing of vehicles proceeding in the same direction,  
36 subject to those limitations, exceptions, and special  
37 rules ~~hereinafter stated~~ otherwise provided in this  
38 chapter:

39 1. The driver of a vehicle overtaking another  
40 vehicle ~~or a bicycle~~ proceeding in the same direction  
41 shall pass to the left ~~thereof of the vehicle or~~  
42 bicycle at a safe distance and shall not again drive to  
43 the right side of the roadway until safely clear of the  
44 overtaken vehicle ~~or bicycle~~.

45 2. Except when overtaking and passing on the right  
46 is permitted, the driver of an overtaken vehicle  
47 shall give way to the right in favor of the overtaking  
48 vehicle and shall not increase the speed of the  
49 overtaken vehicle until completely passed by the  
50 overtaking vehicle.

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1 3. When a vehicle is overtaking and passing a  
2 bicycle, the driver of the overtaking vehicle shall  
3 maintain a distance of not less than five feet between  
4 the right side of the driver's vehicle, including  
5 all mirrors or other projections, and the left side  
6 of the bicyclist. This subsection does not apply to  
7 implements of husbandry or to vehicles hauling or  
8 towing implements of husbandry.>

9 3. Page 7, after line 7 by inserting:

10 <Sec. \_\_\_\_ Section 321.482A, unnumbered paragraph  
11 1, Code 2009, is amended to read as follows:

12 Notwithstanding section 321.482, a person who  
13 is convicted of operating a motor vehicle in  
14 violation of section 321.275, subsection 4, section  
15 321.281, 321.297, 321.298, 321.299, 321.302, 321.303,  
16 321.304, 321.305, 321.306, 321.307, 321.308, section  
17 321.309, subsection 2, or section 321.311, 321.319,  
18 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,  
19 321.324A, 321.327, 321.329, or 321.333 causing serious  
20 injury to or the death of another person may be subject  
21 to the following penalties in addition to the penalty

22 provided for a scheduled violation in section 805.8A or  
 23 any other penalty provided by law:  
 24 Sec. \_\_\_\_ Section 805.8A, subsection 14, Code  
 25 Supplement 2009, is amended by adding the following new  
 26 paragraph:  
 27 NEW PARAGRAPH. k. Actions against a person on a  
 28 bicycle. For violations under section 321.281 the  
 29 scheduled fine is two hundred fifty dollars.>  
 30 4. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.  
 JOE BOLKCOM

**S-5287**

HOUSE AMENDMENT TO  
 SENATE FILE 2378

1 Amend Senate File 2378, as amended,  
 2 passed, and reprinted by the Senate, as follows:  
 3 1. By striking page 20, line 3, through page 29,  
 4 line 11, and inserting:  
 5 <Sec. \_\_\_\_ Section 805.8A, Code Supplement 2009, is  
 6 amended by striking the section and inserting in lieu  
 7 thereof the following:  
 8 805.8A Motor vehicle and transportation scheduled  
 9 violations.  
 10 1. Parking violations.  
 11 a. For parking violations under sections 321.236,  
 12 321.239, 321.358, 321.360, and 321.361, the scheduled  
 13 fine is five dollars, except if the local authority has  
 14 established the fine by ordinance. The scheduled fine  
 15 for a parking violation pursuant to section 321.236  
 16 increases by five dollars if authorized by ordinance  
 17 and if the parking violation is not paid within thirty  
 18 days of the date upon which the violation occurred.  
 19 For purposes of calculating the unsecured appearance  
 20 bond required under section 805.6, the scheduled fine  
 21 shall be five dollars, or if the amount of the fine is  
 22 greater than five dollars, the unsecured appearance  
 23 bond shall be the amount of the fine established by  
 24 the local authority. However, violations charged  
 25 by a city or county upon simple notice of a fine  
 26 instead of a uniform citation and complaint required by  
 27 section 321.236, subsection 1, paragraph "b", are not  
 28 scheduled violations, and this section shall not apply  
 29 to any offense charged in that manner. For a parking  
 30 violation under section 461A.38, the scheduled fine is  
 31 ten dollars. For a parking violation under section  
 32 321.362, the scheduled fine is twenty dollars.  
 33 b. For a parking violation under section 321L.2A,  
 34 subsection 2, the scheduled fine is twenty dollars.



35 c. For violations under section 321L.2A, subsection  
36 3, sections 321L.3, 321L.4, subsection 2, and section  
37 321L.7, the scheduled fine is two hundred dollars.

38 2. Title and registration violations. For title or  
39 registration violations under the following sections,  
40 the scheduled fine is as follows:

- 41 a. 321.17, \$50.
- 42 b. 321.25, \$100.
- 43 c. 321.32, \$20.
- 44 d. 321.34, \$20.
- 45 e. 321.37, \$20.
- 46 f. 321.38, \$20.
- 47 g. 321.41, \$20.
- 48 h. 321.45, \$100.
- 49 i. 321.46, \$100.
- 50 j. 321.47, \$100.

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- 1 k. 321.48, \$100.
- 2 l. 321.52, \$100.
- 3 m. 321.55, \$50.
- 4 n. 321.57, \$100.
- 5 o. 321.62, \$100.
- 6 p. 321.67, \$100.
- 7 q. 321.98, \$50.
- 8 r. 321.99, \$200.
- 9 s. 321.104, \$100.
- 10 t. 321.115, \$30.
- 11 u. 321.115A, \$30.

12 3. Equipment violations. For equipment violations  
13 under the following sections, the scheduled fine is as  
14 follows:

- 15 a. 321.234A, \$50.
- 16 b. 321.247, \$100.
- 17 c. 321.317, \$20.
- 18 d. 321.381, \$100.
- 19 e. 321.381A, \$100.
- 20 f. 321.382, \$25.
- 21 g. 321.383, \$30.
- 22 h. 321.384, \$30.
- 23 i. 321.385, \$30.
- 24 j. 321.386, \$30.
- 25 k. 321.387, \$20.
- 26 l. 321.388, \$20.
- 27 m. 321.389, \$20.
- 28 n. 321.390, \$20.
- 29 o. 321.392, \$20.
- 30 p. 321.393, \$20.
- 31 q. 321.398, \$30.
- 32 r. 321.402, \$30.
- 33 s. 321.403, \$30.

- 34 t. 321.404, \$30.
- 35 u. 321.404A, \$25.
- 36 v. 321.409, \$30.
- 37 w. 321.415, \$30.
- 38 x. 321.419, \$30.
- 39 y. 321.420, \$30.
- 40 z. 321.421, \$30.
- 41 aa. 321.422, \$20.
- 42 ab. 321.423, \$30.
- 43 ac. 321.430, \$100.
- 44 ad. 321.432, \$20.
- 45 ae. 321.433, \$30.
- 46 af. 321.436, \$20.
- 47 ag. 321.437, for improperly used or nonused, or
- 48 defective or improper equipment, other than brakes,
- 49 driving lights, and brake lights, \$20.
- 50 ah. 321.438, \$50.

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- 1 ai. 321.439, \$20.
- 2 aj. 321.440, \$20.
- 3 ak. 321.441, \$20.
- 4 al. 321.442, \$20.
- 5 am. 321.444, \$20.
- 6 4. Driver's license violations. For driver's
- 7 license violations under the following sections, the
- 8 scheduled violation is as follows:
- 9 a. 321.174, \$200.
- 10 b. 321.174A, \$50.
- 11 c. 321.180, \$50.
- 12 d. 321.180B, \$50.
- 13 e. 321.193, \$50.
- 14 f. 321.194, \$50.
- 15 g. 321.216, \$100.
- 16 h. 321.216B, \$200.
- 17 i. 321.216C, \$200.
- 18 j. 321.219, \$200.
- 19 k. 321.220, \$200.
- 20 5. Speed violations.
- 21 a. For excessive speed violations in excess of the
- 22 limit under section 321.236, subsections 5 and 11,
- 23 sections 321.285, and 461A.36, the scheduled fine shall
- 24 be the following:
- 25 (1) Twenty dollars for speed not more than five
- 26 miles per hour in excess of the limit.
- 27 (2) Forty dollars for speed greater than five but
- 28 not more than ten miles per hour in excess of the
- 29 limit.
- 30 (3) Eighty dollars for speed greater than ten but
- 31 not more than fifteen miles per hour in excess of the
- 32 limit.

- 33 (4) Ninety dollars for speed greater than fifteen  
34 but not more than twenty miles per hour in excess of  
35 the limit.
- 36 (5) One hundred dollars plus five dollars for each  
37 mile per hour of excessive speed over twenty miles per  
38 hour over the limit.
- 39 b. Notwithstanding paragraph "a", for excessive  
40 speed violations in speed zones greater than fifty-five  
41 miles per hour, the scheduled fine shall be:
- 42 (1) Twenty dollars for speed not more than five  
43 miles per hour in excess of the limit.
- 44 (2) Forty dollars for speed greater than five but  
45 not more than ten miles per hour in excess of the  
46 limit.
- 47 (3) Eighty dollars for speed greater than ten but  
48 not more than fifteen miles per hour in excess of the  
49 limit.
- 50 (4) Ninety dollars for speed greater than fifteen

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- 1 but not more than twenty miles per hour in excess of  
2 the limit.
- 3 (5) One hundred dollars plus five dollars for each  
4 mile per hour of excessive speed over twenty miles per  
5 hour over the limit.
- 6 c. Excessive speed in whatever amount by a school  
7 bus is not a scheduled violation under any section  
8 listed in this subsection.
- 9 d. Excessive speed in conjunction with a violation  
10 of section 321.278 is not a scheduled violation,  
11 whatever the amount of excess speed.
- 12 e. For a violation under section 321.295, the  
13 scheduled fine is fifty dollars.
- 14 6. Operating violations. For operating violations  
15 under the following sections, the scheduled violation  
16 is as follows:
- 17 a. 321.236, subsections 3, 4, 9, and 12, \$20.  
18 b. 321.275, subsections 1 through 7, \$35.  
19 c. 321.277A, \$35.  
20 d. 321.288, \$100.  
21 e. 321.297, \$100.  
22 f. 321.299, \$100.  
23 g. 321.302, \$100.  
24 h. 321.303, \$100.  
25 i. 321.304, subsections 1 and 2, \$100.  
26 j. 321.305, \$100.  
27 k. 321.306, \$100.  
28 l. 321.311, \$100.  
29 m. 321.312, \$100.  
30 n. 321.314, \$100.  
31 o. 321.315, \$35.

- 32 p. 321.316, \$35.
- 33 q. 321.318, \$35.
- 34 r. 321.323, \$100.
- 35 s. 321.340, \$100.
- 36 t. 321.353, \$100.
- 37 u. 321.354, \$100.
- 38 v. 321.363, \$35.
- 39 w. 321.365, \$35.
- 40 x. 321.366, \$100.
- 41 y. 321.395, \$100.
- 42 7. Failure to yield or obey violations. For failure
- 43 to yield or obey violations under the following
- 44 sections, the scheduled violation is as follows:
- 45 a. 321.257, subsection 2, for a violation by an
- 46 operator of a motor vehicle, \$100.
- 47 b. 321.298, \$100.
- 48 c. 321.307, \$100.
- 49 d. 321.308, \$100.
- 50 e. 321.313, \$100.

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- 1 f. 321.319, \$100.
- 2 g. 321.320, \$100.
- 3 h. 321.321, \$100.
- 4 i. 321.327, \$100.
- 5 j. 321.329, \$100.
- 6 k. 321.333, \$100.
- 7 8. Traffic sign or signal violations. For traffic
- 8 sign or signal violations under the following sections,
- 9 the scheduled violation is as follows:
- 10 a. 321.236, subsections 2 and 6, \$35.
- 11 b. 321.256, \$100.
- 12 c. 321.294, \$100.
- 13 d. 321.304, subsection 3, \$100.
- 14 e. 321.322, \$100.
- 15 9. Bicycle or pedestrian violations. For bicycle
- 16 or pedestrian violations under the following sections,
- 17 the scheduled fine for a pedestrian or bicyclist is as
- 18 follows:
- 19 a. 321.234, subsections 3 and 4, \$25.
- 20 b. 321.236, subsection 10, \$15.
- 21 c. 321.257, subsection 2, \$25.
- 22 d. 321.275, subsection 8, \$25.
- 23 e. 321.325, \$25.
- 24 f. 321.326, \$25.
- 25 g. 321.328, \$25.
- 26 h. 321.331, \$25.
- 27 i. 321.332, \$25.
- 28 j. 321.397, \$25.
- 29 k. 321.434, \$25.
- 30 9A. Electric personal assistive mobility device

31 violations. For violations under section 321.235A, the  
32 scheduled fine is fifteen dollars.

33 10. School bus violations.

34 a. For violations by an operator of a school bus  
35 under sections 321.285 and 321.372, subsections 1 and  
36 2, the scheduled fine is one hundred dollars. However,  
37 an excessive speed violation by a school bus of more  
38 than ten miles per hour in excess of the limit is not a  
39 scheduled violation.

40 b. For a violation under section 321.372,  
41 subsection 3, the scheduled fine is two hundred  
42 dollars.

43 11. Emergency vehicle violations. For emergency  
44 vehicle violations under the following sections, the  
45 scheduled fine is as follows:

46 a. 321.231, \$100.

47 b. 321.323A, \$100.

48 c. 321.324, \$100.

49 d. 321.367, \$100.

50 e. 321.368, \$100.

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1 12. Restrictions on vehicles.

2 a. For violations under sections 321.309, 321.310,  
3 321.394, 321.461, and 321.462, the scheduled fine is  
4 thirty-five dollars.

5 b. For violations under section 321.437, the  
6 scheduled fine is thirty-five dollars.

7 c. For height, length, width, and load violations  
8 under sections 321.454, 321.455, 321.456, 321.457, and  
9 321.458, the scheduled fine is two hundred dollars.

10 d. For violations under section 321.466, the  
11 scheduled fine is twenty dollars for each two thousand  
12 pounds or fraction thereof of overweight.

13 e. (1) Violations of the schedule of axle  
14 and tandem axle and gross or group of axle weight  
15 violations in section 321.463 shall be scheduled  
16 violations subject to the provisions, procedures, and  
17 exceptions contained in sections 805.6 through 805.11,  
18 irrespective of the amount of the fine under that  
19 schedule.

20 (a) Violations of the schedule of weight violations  
21 shall be chargeable, where the fine charged does not  
22 exceed one thousand dollars, only by uniform citation  
23 and complaint.

24 (b) Violations of the schedule of weight  
25 violations, where the fine charged exceeds one  
26 thousand dollars shall, when the violation is  
27 admitted and section 805.9 applies, be chargeable  
28 upon uniform citation and complaint, indictment, or  
29 county attorney's information, but otherwise shall be

30 chargeable only upon indictment or county attorney's  
31 information.

32 (2) In all cases of charges under the schedule of  
33 weight violations, the charge shall specify the amount  
34 of fine charged under the schedule. Where a defendant  
35 is convicted and the fine under the foregoing schedule  
36 of weight violations exceeds one thousand dollars, the  
37 conviction shall be of an indictable offense although  
38 section 805.9 is employed and whether the violation  
39 is charged upon uniform citation and complaint,  
40 indictment, or county attorney's information.

41 f. For a violation under section 321E.16, other  
42 than the provisions relating to weight, the scheduled  
43 fine is two hundred dollars.

44 13. Motor carrier violations.

45 a. (1) For a violation under section 321.54, the  
46 scheduled fine is thirty dollars.

47 (2) For violations under sections 326.22 and  
48 326.23, the scheduled fine is fifty dollars.

49 b. For a violation under section 321.449, the  
50 scheduled fine is fifty dollars.

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1 c. For violations under sections 321.364, 321.450,  
2 321.460, and 452A.52, the scheduled fine is two hundred  
3 dollars.

4 d. For violations of section 325A.3, subsection 5,  
5 or section 325A.8, the scheduled fine is one hundred  
6 dollars.

7 e. For violations of chapter 325A, other than a  
8 violation of section 325A.3, subsection 5, or section  
9 325A.8, the scheduled fine is two hundred fifty  
10 dollars.

11 f. For failure to have proper carrier  
12 identification markings under section 327B.1, the  
13 scheduled fine is one hundred dollars.

14 g. For failure to have proper evidence of  
15 interstate authority carried or displayed under section  
16 327B.1, and for failure to register, carry, or display  
17 evidence that interstate authority is not required  
18 under section 327B.1, the scheduled fine is two hundred  
19 fifty dollars.

20 14. Miscellaneous violations.

21 a. Failure to obey a peace officer. For a violation  
22 under section 321.229, the scheduled fine is one  
23 hundred dollars.

24 b. Abandoning a motor vehicle. For a violation  
25 under section 321.91, the scheduled fine is two hundred  
26 dollars.

27 c. Seat belt or restraint violations.

28 (1) For a violation under section 321.445, the

29 scheduled fine is fifty dollars.  
30 (2) For a violation under section 321.446, the  
31 scheduled violation is one hundred dollars.  
32 d. Litter and debris violations. For violations  
33 under sections 321.369 and 321.370, the scheduled fine  
34 is seventy dollars.  
35 e. Open container violations. For violations under  
36 sections 321.284 and 321.284A, the scheduled fine is  
37 two hundred dollars.  
38 f. Proof of financial responsibility. If, in  
39 connection with a motor vehicle accident, a person is  
40 charged and found guilty of a violation of section  
41 321.20B, subsection 1, the scheduled fine is five  
42 hundred dollars; otherwise, the scheduled fine for  
43 a violation of section 321.20B, subsection 1, is  
44 two hundred fifty dollars. Notwithstanding section  
45 805.12, fines collected pursuant to this paragraph  
46 shall be submitted to the state court administrator and  
47 distributed fifty percent to the victim compensation  
48 fund established in section 915.94, twenty-five percent  
49 to the county in which such fine is imposed, and  
50 twenty-five percent to the general fund of the state.

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1 g. Radar-jamming devices. For a violation under  
2 section 321.232, the scheduled fine is one hundred  
3 dollars.  
4 h. Railroad crossing violations. For violations  
5 under sections 321.341, 321.342, 321.343, and 321.344,  
6 and 321.344B, the scheduled fine is two hundred  
7 dollars.  
8 i. Road work zone violations. The scheduled fine  
9 for any moving traffic violation under chapter 321,  
10 as provided in this section, shall be doubled if the  
11 violation occurs within any road work zone, as defined  
12 in section 321.1. However, notwithstanding subsection  
13 5, the scheduled fine for violating the speed limit in  
14 a road work zone is as follows:  
15 (1) One hundred fifty dollars for speed not more  
16 than ten miles per hour over the posted speed limit.  
17 (2) Three hundred dollars for speed greater than  
18 ten but not more than twenty miles per hour over the  
19 posted speed limit.  
20 (3) Five hundred dollars for speed greater than  
21 twenty but not more than twenty-five miles per hour  
22 over the posted speed limit.  
23 (4) One thousand dollars for speed greater than  
24 twenty-five miles per hour over the posted speed limit.  
25 j. Vehicle component parts records violations. For  
26 violations under section 321.95, the scheduled fine is  
27 fifty dollars.>

28 2. Page 29, line 15, by striking <one hundred ~~ten~~>  
29 and inserting <one two hundred>

30 3. Page 29, line 27, after <2011.> by inserting  
31 <Of the moneys allocated for deposit into the victim  
32 compensation fund pursuant to section 602.8108,  
33 subsection 3, the state court administrator shall  
34 allocate to the treasurer of state for deposit in the  
35 public safety enforcement fund the first two hundred  
36 thirty-five thousand dollars of the moneys received  
37 during the fiscal year beginning July 1, 2010, and  
38 ending June 30, 2011.>

39 4. By striking page 29, line 34, through page 30,  
40 line 20, and inserting:

41 <a. To the department of corrections for  
42 operations including but not limited to drug courts  
43 and salaries and support for probation and parole  
44 officers, \$837,810, and of the amount allocated in  
45 this paragraph, \$402,810 shall be allocated by the  
46 department of corrections to the sixth judicial  
47 district department of correctional services, \$335,000  
48 shall be allocated to the fifth judicial district  
49 department of correctional services, and \$100,000 shall  
50 be allocated to the first judicial district department

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1 of correctional services.

2 b. To the department of corrections for salaries  
3 and support for correctional officers, \$2,497,190, and  
4 of the amount allocated in this paragraph, \$1,451,000  
5 shall be allocated by the department of corrections  
6 for the operation of the Fort Madison correctional  
7 facility, \$846,190 shall be allocated for the operation  
8 of the Luster Heights facility, and \$200,000 shall be  
9 allocated for the operation of the Anamosa correctional  
10 facility.

11 c. To the department of public safety, \$150,000,  
12 for costs associated with the training and equipment  
13 needs of volunteer fire fighters.

14 d. To the department of public safety for salaries  
15 and support for sworn peace officers of the state  
16 patrol, \$300,000.

17 e. To the Iowa civil rights commission, \$100,000.

18 f. To the judicial branch, \$5,300,000.

19 g. To the department of justice for salaries and  
20 support, \$150,000.

21 3. Moneys remaining in the fund at or after the  
22 close of the fiscal year shall revert to the general  
23 fund of the state.

24 4. This section is repealed June 30, 2011.>

25 5. Page 33, before line 21 by inserting:

26 <Sec. \_\_\_. Section 321.174, subsection 1, Code



27 2009, is amended to read as follows:

28 1. a. A person, except those expressly exempted,  
29 shall not operate any motor vehicle upon a highway in  
30 this state unless the person has a driver's license  
31 issued by the department valid for the vehicle's  
32 operation.

33 b. A moving traffic violation does not include a  
34 violation of this subsection.

35 Sec. \_\_\_\_ Section 321.210, subsection 2, paragraph  
36 d, Code 2009, is amended to read as follows:

37 d. The first two speeding violations within any  
38 twelve-month period of ten miles per hour or less over  
39 the legal speed limit in speed zones having a legal  
40 speed limit between thirty-four miles per hour and  
41 ~~fifty-six~~ sixty-one miles per hour.

42 Sec. \_\_\_\_ Section 516B.3, subsection 1, Code 2009,  
43 is amended to read as follows:

44 1. The commissioner shall require that insurance  
45 companies transacting business in this state not  
46 consider speeding violations occurring on or after  
47 July 1, 1986, but before May 12, 1987, which are for  
48 speeding violations for ten miles per hour or less  
49 over the legal speed limit in speed zones that have a  
50 legal speed limit greater than thirty-five miles per

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1 hour or speeding violations occurring on or after May  
2 12, 1987, which are for speeding violations for ten  
3 miles per hour or less over the legal speed limit in  
4 speed zones that have a legal speed limit equal to or  
5 greater than thirty-five miles per hour but not greater  
6 than ~~fifty-five~~ sixty miles per hour for the purpose  
7 of establishing rates for motor vehicle insurance  
8 charged by the insurer and shall require that insurance  
9 companies not cancel or refuse to renew any such policy  
10 for such violations. In any twelve-month period, this  
11 section applies only to the first two such violations  
12 which occur.>

13 6. Title page, line 2, by striking <providing for>  
14 and inserting <modifying certain traffic offenses,>

**S-5288**

HOUSE AMENDMENT TO  
SENATE FILE 2215

1 Amend Senate File 2215, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, before line 1 by inserting:

4 <Section 1. Section 507B.4, Code 2009, is amended  
5 by adding the following new subsection:

6 NEW SUBSECTION. 7A. Release or use of genetic  
7 information. Failure of a person to comply with  
8 section 729.6, subsection 2B.>  
9 2. Page 1, by striking lines 3 through 5 and  
10 inserting:  
11 <NEW PARAGRAPH. Ob. "Genetic information" means the  
12 same as defined in 29 U.S.C. § 1191b(d)(6).>  
13 3. Page 1, by striking lines 9 through 24 and  
14 inserting:  
15 <c. "Genetic testing" means the same as genetic test  
16 as defined in 29 U.S.C. § 1191b(d)(7).  
17 Sec. \_\_. Section 729.6, subsection 1, Code 2009,  
18 is amended by adding the following new paragraphs:  
19 NEW PARAGRAPH. Od. "Health insurance" means  
20 a contract, policy, or plan providing for health  
21 insurance coverage as defined in section 513B.2.  
22 NEW PARAGRAPH. Ood. "Health insurer" means a  
23 carrier, as defined in section 513B.2.  
24 NEW PARAGRAPH. Of. "Third-party administrator"  
25 means the same as defined in section 510.11.>  
26 4. Page 2, by striking lines 15 and 16 and  
27 inserting:  
28 <NEW SUBSECTION. 2B. a. (1) With respect to  
29 health insurance, a third-party administrator or health  
30 insurer shall not release genetic>  
31 5. Page 2, line 32, by striking <An insurer> and  
32 inserting <With respect to health insurance, a health  
33 insurer>  
34 6. Page 3, by striking line 2 and inserting <the  
35 terms of the health insurer's plan or coverage. With  
36 respect to health insurance, a health insurer>  
37 7. Page 3, line 7, by striking <An insurer> and  
38 inserting <With respect to health insurance, a health  
39 insurer>  
40 8. Page 3, after line 9 by inserting:  
41 <c. The commissioner of insurance shall adopt rules  
42 as necessary for the administration of this subsection.  
43 d. A violation of this subsection is an unfair  
44 insurance trade practice under section 507B.4.>  
45 9. Page 3, line 12, by striking <This> and  
46 inserting <This Subsections 2, 2A, 3, 4, and 5 of this>  
47 10. Page 3, line 13, after <violates> by inserting  
48 <subsection 2, 2A, 3, 4, or 5 of>  
49 11. Page 3, line 14, after <of> by inserting  
50 <subsection 2, 2A, 3, 4, or 5 of>

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1 12. Page 3, line 15, by striking <insured.>  
2 13. Page 3, line 16, by striking <insured.>  
3 14. Page 3, line 22, after <of> by inserting  
4 <subsection 2, 2A, 3, 4, or 5 of>

- 5 15. Page 3, line 25, by striking <insured.>  
 6 16. Page 3, line 27, by striking <insured.>  
 7 17. By striking page 3, line 31, through page 4,  
 8 line 3, and inserting <organization, or licensing  
 9 agency has ~~required or requested a genetic test in~~  
 10 ~~violation of~~ violated subsection 2, 2A, 3, 4, or  
 11 5 of this section shall establish that sufficient  
 12 evidence exists upon>  
 13 18. Page 4, lines 8 and 9, by striking <insurance  
 14 administrator, health plan, health insurer.>  
 15 19. Title page, line 2, by striking <enforcement>  
 16 and inserting <and administrative enforcement and  
 17 providing penalties>  
 18 20. By renumbering as necessary.

**S-5289**

HOUSE AMENDMENT TO  
 SENATE FILE 2333

- 1 Amend Senate File 2333, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 2, by striking line 27 and inserting <the  
 4 investigation by the facility or program. If the  
 5 facility or program>  
 6 2. Page 2, by striking line 29 and inserting <the  
 7 investigation by the facility or program or the alleged  
 8 dependent adult abuser resigns, the alleged dependent  
 9 adult>  
 10 3. Page 2, line 30, after <termination> by  
 11 inserting <or investigation>  
 12 4. Page 2, line 31, after <employer.> by inserting  
 13 <An alleged dependent adult abuser who fails to  
 14 disclose such termination or investigation is guilty  
 15 of a simple misdemeanor.>  
 16 5. Page 3, by striking lines 2 through 10 and  
 17 inserting <the alleged dependent adult abuser. If upon  
 18 entry, the inspector has knowledge of or learns during  
 19 the course of an investigation that alleged dependent  
 20 adult abuse is suspected or is being investigated, the  
 21 inspector shall inform the facility or program that the  
 22 inspector is investigating an alleged case of dependent  
 23 adult abuse. An inspector of the department>  
 24 6. Page 3, line 16, by striking <the fact>  
 25 7. Page 3, line 17, by striking <situation and>  
 26 8. Page 3, line 18, after <civil> by inserting  
 27 <administrative>  
 28 9. Page 3, by striking lines 29 and 30 and  
 29 inserting <and not delay the interview by more than  
 30 five working days to make arrangements for the person's  
 31 representatives to be present at the interview. Any  
 32 employer representative shall be informed of the

33 requirement to maintain strict confidentiality and  
 34 of the prohibition against redissemination of such  
 35 information pursuant to chapter 235B. At the interview,  
 36 the department shall request and the alleged dependent  
 37 adult abuser shall provide the alleged dependent adult  
 38 abuser's most current contact information to facilitate  
 39 provision of the findings to the alleged dependent  
 40 adult abuser. An inspector>

41 10. Page 4, by striking line 8 and inserting <the  
 42 consequences of placement on the central>

43 11. Page 4, line 9, by striking <adult>

44 12. Page 4, line 12, by striking <dependent adult>  
 45 and inserting <central>

46 13. Page 4, by striking lines 17 through 22 and  
 47 inserting:

48 <1. If a request for an appeal is filed within  
 49 fifteen days of the issuance of the written  
 50 notification of a finding of dependent adult abuse, the

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1 department shall not place the caretaker on the central  
 2 abuse registry until final>

3 14. Page 4, by striking line 24 and inserting  
 4 <within fifteen days of the issuance of the written  
 5 notification of the finding, the>

6 15. Page 4, by striking lines 29 and 30 and  
 7 inserting <administrative law judge's proposed decision  
 8 shall be issued within thirty days of the contested  
 9 case hearing. If further review of the decision is  
 10 not requested before the proposed decision becomes  
 11 final, the proposed decision shall be deemed final  
 12 agency action. If further review is requested, the  
 13 department's final agency action shall occur within  
 14 thirty days of the issuance of the administrative law  
 15 judge's proposed decision. Upon>

16 16. Page 4, by striking lines 34 and 35 and  
 17 inserting <days, the caretaker shall have sixty days  
 18 from the issuance of the written notification of the  
 19 abuse findings to file an appeal pursuant to chapter  
 20 17A. However, the>

21 17. Page 5, line 1, after <on the> by inserting  
 22 <central abuse>

23 18. Page 5, line 6, after <on the> by inserting  
 24 <central abuse>

25 19. Title page, line 3, after <abuse> by inserting  
 26 <and providing penalties>

27 20. By renumbering as necessary.

S-5290

HOUSE AMENDMENT TO  
SENATE FILE 2226

1 Amend Senate File 2226, as passed by the Senate, as  
2 follows:

3 1. Page 3, line 14, after <child> by inserting <and  
4 assigning visitation to the specified family member  
5 will provide the child the opportunity to maintain an  
6 ongoing family relationship that is important to the  
7 child>

8 2. Page 3, line 20, after <parent> by inserting  
9 <whose visitation rights are temporarily assigned>

S-5291

HOUSE AMENDMENT TO  
SENATE FILE 2367

1 Amend Senate File 2367, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 3, line 7, by striking <\$2> and inserting  
4 <\$4>

5 2. Page 7, by striking lines 5 through 7.

6 3. Page 13, after line 32 by inserting:  
7 <7. DEPENDENT ADULT ABUSE. For costs associated  
8 with implementing the requirements of 2010 Iowa Acts,  
9 Senate File 2333, if enacted:

10 ..... \$ 250,000>

11 4. Page 14, by striking lines 6 through 12.

12 5. By striking page 15, line 29, through page 16,  
13 line 1.

14 6. By striking page 19, line 35, through page 20,  
15 line 5.

16 7. Page 22, line 26, after <procured contracts> by  
17 inserting <let by another participating agency>

18 8. By striking page 23, line 28, through page 26,  
19 line 10, and inserting:

20 <DIVISION \_\_\_\_  
21 MEDICATION THERAPY MANAGEMENT  
22 Sec. \_\_\_\_ MEDICATION THERAPY MANAGEMENT — PILOT  
23 — REPEAL.

24 1. As used in this section unless the context  
25 otherwise requires:

26 a. “Eligible employee” means an employee of the  
27 state, with the exception of an employee of the state  
28 board of regents or institutions under the state board  
29 of regents, for whom group health plans are established  
30 pursuant to chapter 509A providing for third-party  
31 payment or prepayment for health or medical expenses.

32 b. “Medication therapy management” means a

33 systematic process performed by a licensed pharmacist,  
34 designed to optimize therapeutic outcomes through  
35 improved medication use and reduced risk of adverse  
36 drug events, including all of the following services:  
37 (1) A medication therapy review and in-person  
38 consultation relating to all medications, vitamins, and  
39 herbal supplements currently being taken by an eligible  
40 individual.  
41 (2) A medication action plan, subject to the  
42 limitations specified in this section, communicated  
43 to the individual and the individual's primary care  
44 physician or other appropriate prescriber to address  
45 safety issues, inconsistencies, duplicative therapy,  
46 omissions, and medication costs. The medication action  
47 plan may include recommendations to the prescriber for  
48 changes in drug therapy.  
49 (3) Documentation and follow-up to ensure  
50 consistent levels of pharmacy services and positive

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1 outcomes.  
2 2. a. Prior to July 1, 2010, the department of  
3 administrative services shall utilize a request for  
4 proposals process to contract for the provision of  
5 medication therapy management services beginning July  
6 1, 2010, for eligible employees who meet any of the  
7 following criteria:  
8 (1) An individual who takes four or more  
9 prescription drugs to treat or prevent two or more  
10 chronic medical conditions.  
11 (2) An individual with a prescription drug therapy  
12 problem who is identified by the prescribing physician  
13 or other appropriate prescriber, and referred to a  
14 pharmacist for medication therapy management services.  
15 (3) An individual who meets other criteria  
16 established by the third-party payment provider  
17 contract, policy, or plan.  
18 b. The contract shall require the company to  
19 provide annual reports to the general assembly  
20 detailing the costs, savings, estimated cost avoidance  
21 and return on investment, and patient outcomes  
22 related to the medication therapy management services  
23 provided. The company shall guarantee demonstrated  
24 annual savings, including any savings associated with  
25 cost avoidance at least equal to the program's costs  
26 with any shortfall amount refunded to the state. As  
27 a proof of concept in the program for the period  
28 beginning July 1, 2010, and ending June 30, 2011, the  
29 company shall offer a dollar-for-dollar guarantee for  
30 drug product costs savings alone. Prior to entering  
31 into a contract with a company, the department and

32 the company shall agree on the terms, conditions,  
33 and applicable measurement standards associated  
34 with the demonstration of savings. The department  
35 shall verify the demonstrated savings reported by  
36 the company was performed in accordance with the  
37 agreed upon measurement standards. The company shall  
38 be prohibited from using the company's employees to  
39 provide the medication therapy management services and  
40 shall instead be required to contract with licensed  
41 pharmacies, pharmacists, or physicians.  
42 c. The fees for pharmacist-delivered medication  
43 therapy management services shall be separate from  
44 the reimbursement for prescription drug product or  
45 dispensing services; shall be determined by each  
46 third-party payment provider contract, policy, or plan;  
47 and must be reasonable based on the resources and time  
48 required to provide the service.  
49 d. A fee shall be established for physician  
50 reimbursement for services delivered for medication

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1 therapy management as determined by each third-party  
2 payment provider contract, policy, or plan, and must be  
3 reasonable based on the resources and time required to  
4 provide the service.

5 e. If any part of the medication therapy management  
6 plan developed by a pharmacist incorporates services  
7 which are outside the pharmacist's independent scope  
8 of practice including the initiation of therapy,  
9 modification of dosages, therapeutic interchange, or  
10 changes in drug therapy, the express authorization  
11 of the individual's physician or other appropriate  
12 prescriber is required.

13 3. This section is repealed December 31, 2011.

14 Sec. \_\_. EFFECTIVE UPON ENACTMENT. This division  
15 of this Act, being deemed of immediate importance,  
16 takes effect upon enactment.>

17 9. Page 26, after line 17 by inserting:

18 <DIVISION \_\_

19 REVENUE COLLECTIONS BY COUNTY TREASURERS

20 Sec. \_\_. Section 321.40, subsection 6, Code  
21 Supplement 2009, is amended to read as follows:

22 6. a. The department or the county treasurer  
23 shall refuse to renew the registration of a vehicle  
24 registered to the applicant if the department or  
25 the county treasurer knows that the applicant has a  
26 delinquent account, charge, fee, loan, taxes, or other  
27 indebtedness owed to or being collected by the state,  
28 from information provided pursuant to sections 8A.504  
29 and 421.17. An applicant may contest this action by  
30 requesting a contested case proceeding from the agency

31 that referred the debt for collection pursuant to  
32 section 8A.504. The department of revenue and the  
33 department of transportation shall notify the county  
34 treasurers through the distributed teleprocessing  
35 network of persons who owe such a charge, fee, loan,  
36 taxes, or other indebtedness.

37 b. The county treasurer of the county of the  
38 person's residence and in which the person's vehicle  
39 is registered, in cooperation with the department  
40 of revenue, may collect delinquent taxes including  
41 penalties and interest owed to the state from a person  
42 applying for renewal of a vehicle registration. The  
43 applicant may remit full payment of the taxes including  
44 applicable penalties and interest, along with a  
45 processing fee of five dollars, to the county treasurer  
46 at the time of registration renewal. Upon full payment  
47 of the required taxes including applicable penalties  
48 and interest, the processing fee, and the vehicle  
49 registration fee, the county treasurer shall issue  
50 the registration to the person. A county treasurer

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1 collecting on behalf of the department of revenue shall  
2 update the vehicle registration records through the  
3 distributed teleprocessing network on a daily basis  
4 for all persons who have paid taxes pursuant to this  
5 subsection. A county treasurer shall forward all  
6 funds collected for the department of revenue to the  
7 department of revenue.

8 Sec. \_\_\_\_ Section 321.152, Code 2009, is amended by  
9 adding the following new subsection:

10 **NEW SUBSECTION.** 2A. a. Except as provided in  
11 paragraph "b", the five dollar processing fee charged  
12 by a county treasurer for collection of tax debt  
13 owed to the department of revenue pursuant to section  
14 321.40, subsection 6, shall be retained for deposit in  
15 the county general fund.

16 b. From each five dollar processing fee charged  
17 by a county treasurer pursuant to section 321.40,  
18 subsection 6, the county treasurer shall retain  
19 two dollars and fifty cents and shall forward the  
20 remaining two dollars and fifty cents to the treasurer  
21 of state to be used to reimburse the department  
22 of transportation for actual costs incurred by the  
23 department to implement provisions relating to the  
24 collection of tax debt by the county treasurers  
25 as provided in section 321.40, subsection 6. The  
26 department shall certify its costs to the treasurer of  
27 state for approval and payment. The treasurer of state  
28 shall notify the county treasurers and the department  
29 when the department's costs have been paid in full.



30 Upon such notification, the county treasurers shall  
31 retain processing fees as provided in paragraph "a".  
32 Sec. \_\_\_\_ Section 321.153, Code 2009, is amended to  
33 read as follows:  
34 321.153 Treasurer's report to department.  
35 1. The county treasurer on the tenth day of each  
36 month shall certify to the department a full and  
37 complete statement of all fees and penalties received  
38 by the county treasurer during the preceding calendar  
39 month and shall remit all moneys not retained for  
40 deposit under section 321.152 to the treasurer of  
41 state.  
42 2. The distributed teleprocessing network shall be  
43 used in the collection, receipting, accounting, and  
44 reporting of any fee collected through the registration  
45 renewal or title process, with sufficient time and  
46 financial resources provided for implementation.  
47 3. This section does not apply to fees collected  
48 or retained by a county treasurer pursuant to  
49 participation in county issuance of driver's licenses  
50 under chapter 321M.

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1 4. This section does not apply to processing fees  
2 charged by a county treasurer for the collection of  
3 tax debt owed to the department of revenue pursuant to  
4 section 321.40.  
5 Sec. \_\_\_\_ Section 421.17, subsection 27, Code 2009,  
6 is amended by adding the following new paragraph:  
7 NEW PARAGRAPH. k. A county treasurer may collect  
8 delinquent taxes, including penalties and interest,  
9 administered by the department in conjunction with  
10 renewal of a vehicle registration as provided in  
11 section 321.40, subsection 6, paragraph "b", and rules  
12 adopted pursuant to this paragraph. County treasurers  
13 shall be given access to information required for the  
14 collection of delinquent taxes, including penalties  
15 and interest, as necessary to accomplish the purposes  
16 of section 321.40, subsection 6, paragraph "b". The  
17 confidentiality provisions of sections 422.20 and  
18 422.72 do not apply to information provided to a  
19 county treasurer pursuant to this paragraph. A county  
20 treasurer collecting taxes, penalties, and interest  
21 administered by the department is subject to the  
22 requirements and penalties of the confidentiality  
23 laws of this state regarding tax or indebtedness  
24 information. The director shall adopt rules to  
25 implement the collection of tax debt as authorized in  
26 section 321.40 and this paragraph.  
27 Sec. \_\_\_\_ Section 422.20, subsection 3, paragraph  
28 a, Code 2009, is amended to read as follows:

29 a. Unless otherwise expressly permitted by  
 30 section 8A.504, section 421.17, subsections 22, 23,  
 31 and 26, ~~sections and subsection 27, paragraph "k",~~  
 32 section 252B.9, section 321.40, subsection 6, paragraph  
 33 "b", sections 321.120, 421.19, 421.28, 422.72, and  
 34 452A.63, and this section, a tax return, return  
 35 information, or investigative or audit information  
 36 shall not be divulged to any person or entity,  
 37 other than the taxpayer, the department, or internal  
 38 revenue service for use in a matter unrelated to tax  
 39 administration.

40 Sec. \_\_\_\_ Section 422.72, subsection 3, paragraph  
 41 a, Code 2009, is amended to read as follows:  
 42 a. Unless otherwise expressly permitted by  
 43 section 8A.504, section 421.17, subsections 22, 23,  
 44 and 26, ~~sections and subsection 27, paragraph "k",~~  
 45 section 252B.9, section 321.40, subsection 6, paragraph  
 46 "b", sections 321.120, 421.19, 421.28, 422.20, and  
 47 452A.63, and this section, a tax return, return  
 48 information, or investigative or audit information  
 49 shall not be divulged to any person or entity,  
 50 other than the taxpayer, the department, or internal

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1 revenue service for use in a matter unrelated to tax  
 2 administration.

3 Sec. \_\_\_\_ INTENT — COLLECTION OF COURT DEBT BY  
 4 COUNTY TREASURERS — STUDY.

5 1. It is the intent of the general assembly to  
 6 implement the collection of court debt on behalf of the  
 7 clerk of the district court at the time a person renews  
 8 a motor vehicle registration beginning July 1, 2011.

9 2. The state court administrator, or the state  
 10 court administrator's designee, in cooperation with  
 11 the Iowa state county treasurers association shall  
 12 develop a plan to allow county treasurers to collect  
 13 restitution and delinquent court debt on behalf of  
 14 the clerk of the district court at the time a person  
 15 appears before the county treasurer to renew a vehicle  
 16 registration. The state court administrator shall  
 17 submit a report of the plan to the general assembly on  
 18 or before December 1, 2010.

19 Sec. \_\_\_\_ EFFECTIVE DATE. The sections of this  
 20 division of this Act amending sections 321.40, 321.152,  
 21 321.153, 421.17, 422.20, and 422.72 take effect January  
 22 1, 2011.>

23 10. Page 26, after line 17 by inserting:

24 <DIVISION \_\_\_\_  
 25 ALCOHOLIC BEVERAGES DIVISION — HIGH ALCOHOLIC CONTENT  
 26 BEER

27 Sec. \_\_\_\_ NEW SECTION. 123.126 High alcoholic

28 content beer.

29 Unless otherwise provided by this chapter, the  
30 provisions of this chapter applicable to beer shall  
31 also apply to high alcoholic content beer.

32 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
33 APPLICABILITY. This division of this Act, being deemed  
34 of immediate importance, takes effect upon enactment  
35 and applies retroactively to March 10, 2010.>

36 11. Page 26, after line 17 by inserting:

37 <DIVISION \_\_\_\_

38 DEPARTMENT OF HUMAN RIGHTS PROVISIONS

39 Sec. \_\_\_\_ Section 216A.3, subsection 2, unnumbered  
40 paragraph 1, Code 2009, as amended by 2010 Iowa Acts,  
41 Senate File 2088, section 103, is amended to read as  
42 follows:

43 The board shall consist of ~~fourteen sixteen~~ members,  
44 including ~~nine eleven~~ voting members and five nonvoting  
45 members and determined as follows:

46 Sec. \_\_\_\_ Section 216A.12, subsection 2, Code  
47 Supplement 2009, as amended by 2010 Iowa Acts, Senate  
48 File 2088, section 108, is amended to read as follows:

49 2. The members of the commission shall be appointed  
50 during the month of June and shall serve for staggered

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1 four-year terms ~~commencing July 1 of the year of~~  
2 ~~appointment which shall begin and end pursuant to~~  
3 ~~section 69.19.~~ Members appointed shall continue to  
4 serve until their respective successors are appointed.  
5 Vacancies in the membership of the commission shall be  
6 filled by the original appointing authority and in the  
7 manner of the original appointments. Members shall  
8 receive actual expenses incurred while serving in their  
9 official capacity. Members may also be eligible to  
10 receive compensation as provided in section 7E.6.

11 DIVISION \_\_\_\_

12 TREASURER OF STATE PROVISIONS

13 Sec. \_\_\_\_ NEW SECTION. 12G.1 Iowa financial  
14 literacy program — legislative intent.

15 The general assembly finds that the general welfare  
16 of this state and well-being of its citizens is  
17 directly related to the financial education of those  
18 citizens. While the state has limited resources  
19 to promote financial literacy, a vital and valid  
20 public purpose shall be served by the creation and  
21 implementation of programs which encourage and make  
22 possible the attainment of financial literacy by the  
23 largest possible number of citizens in this state, and  
24 particularly by low-income to moderate-income families.

25 Sec. \_\_\_\_ NEW SECTION. 12G.2 Program created.

26 1. An Iowa financial literacy program is created

27 within the office of the treasurer of state. The  
 28 treasurer of state shall have all powers necessary to  
 29 carry out and effectuate the purposes, objectives, and  
 30 provisions pertaining to the program, including the  
 31 authority to do all of the following:

- 32 a. Promote the advantages of personal savings  
 33 and responsible borrowing and the viability and  
 34 desirability of implementing a personal savings program  
 35 and responsible borrowing practices regardless of an  
 36 individual's or family's financial status.
- 37 b. Create an incentive program and awards ceremony  
 38 whereby individuals and families who have made  
 39 significant progress toward achieving personal savings  
 40 goals and engaging in responsible borrowing practices  
 41 shall be officially recognized.
- 42 c. Create strategies for coordination of the  
 43 program with the Iowa educational savings plan trust  
 44 established in chapter 12D.
- 45 d. Make presentations to groups including but not  
 46 limited to schools, hospitals, civic organizations,  
 47 and privately organized clubs and groups regarding the  
 48 existence of the program.
- 49 e. Coordinate conferences, meetings, and events  
 50 which promote financial literacy and education.

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1 2. The treasurer of state shall not accept any  
 2 moneys or materials for the program from any private  
 3 source that will create the appearance that the  
 4 treasurer of state endorses any particular financial  
 5 product or any particular entity or otherwise will be  
 6 deemed to create an unacceptable conflict of interest.

7 Sec. \_\_. NEW SECTION. 12G.3 Financial literacy  
 8 fund.

9 1. A financial literacy fund is created within the  
 10 state treasury under the control of the treasurer of  
 11 state. The fund shall consist of moneys in the form  
 12 of a devise, gift, bequest, donation, federal or other  
 13 grant, reimbursement, repayment, judgment, transfer,  
 14 payment, or appropriation from any source intended to  
 15 be used for the purposes of the fund.

16 2. Moneys in the fund are appropriated to the  
 17 treasurer of state for purposes of the Iowa financial  
 18 literacy program established in section 12G.2.

19 3. Section 8.33 does not apply to any moneys in the  
 20 fund. Notwithstanding section 12C.7, subsection 2,  
 21 interest or earnings on moneys deposited in the fund  
 22 shall be credited to the fund.

23 DIVISION \_\_  
 24 PUBLIC INFORMATION BOARD  
 25 Sec. \_\_. PUBLIC INFORMATION BOARD. There is

26 appropriated from the general fund of the state to  
 27 the Iowa public information board for the fiscal year  
 28 beginning July 1, 2010, and ending June 30, 2011, the  
 29 following amount, or so much thereof as is necessary,  
 30 to be used for the purposes designated:

31 For costs associated with establishing the Iowa  
 32 public information board, if enacted by 2010 Iowa Acts,  
 33 House File 777:

34 ..... \$ 6,000>  
 35 12. By renumbering as necessary.

**S-5292**

HOUSE AMENDMENT TO  
 SENATE FILE 2380

1 Amend Senate File 2380, as amended, passed, and  
 2 reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 5, line  
 4 3, and inserting:

<DIVISION I

REVIEW AND REAUTHORIZATION OF PROGRAMS

Section 1. INTENT AND PURPOSE.

1. It is the intent of the general assembly that  
 each tax credit, withholding credit, and revenue  
 division program should effectuate the purposes for  
 which it was enacted and that the cost of such programs  
 should be included more readily in the yearly budgeting  
 process.

2. The purposes of this Act are to provide for the  
 regular review of all tax credit, withholding credit,  
 and revenue division programs in order to facilitate  
 the reauthorization of successful programs and to do  
 so at a cost that can be accommodated by the state's  
 annual budget.

DIVISION II

LEGISLATIVE TAX EXPENDITURE COMMITTEE

Sec. 2. Section 2.45, Code Supplement 2009, is  
 amended by adding the following new subsection:

NEW SUBSECTION. 5. a. The legislative tax  
 expenditure committee which shall be composed of  
 ten members of the general assembly, consisting of  
 five members from each house, to be appointed by the  
 legislative council. In appointing the five members of  
 each house to the committee, the council shall appoint  
 three members from the majority party and two members  
 from the minority party.

b. The legislative tax expenditure committee shall  
 have the powers and duties described in section 2.48.

Sec. 3. NEW SECTION. 2.48 Legislative tax  
 expenditure committee — review of tax incentive  
 programs.

37 1. Duties of committee. The legislative tax  
38 expenditure committee shall do all of the following:  
39 a. Evaluate any tax expenditure available  
40 under Iowa law and assess its equity, simplicity,  
41 competitiveness, public purpose, adequacy, and extent  
42 of conformance with the original purposes of the  
43 legislation that enacted the tax expenditure, as those  
44 issues pertain to taxation in Iowa. For purposes of  
45 this section, "tax expenditure" means an exclusion  
46 from the operation or collection of a tax imposed in  
47 this state. Tax expenditures include tax credits,  
48 exemptions, deductions, and rebates. Tax expenditures  
49 also include sales tax refunds issued pursuant to  
50 section 423.3 or section 423.4.

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1 b. Establish and maintain a system for making  
2 available to the public information about the amount  
3 and effectiveness of tax expenditures, and the extent  
4 to which tax expenditures comply with the original  
5 intent of the legislation that enacted the tax  
6 expenditure.  
7 2. Review of tax expenditures — budget  
8 estimates. The legislative tax expenditure committee  
9 shall do all of the following:  
10 a. Engage in the regular review of the state's tax  
11 expenditures.  
12 (1) In reviewing tax expenditures, the committee  
13 may review any tax expenditure at any time, but  
14 shall at a minimum perform the reviews described in  
15 subsection 3.  
16 (2) For each tax expenditure reviewed, the  
17 committee shall submit a report to the legislative  
18 council containing the results of the review. The  
19 report shall contain a statement of the policy goals  
20 of the tax expenditure and a return on investment  
21 calculation for the tax expenditure. For purposes of  
22 this subparagraph, "return on investment calculation"  
23 means analyzing the cost to the state of providing  
24 the tax expenditure, analyzing the benefits realized  
25 by the state from providing the tax expenditure, and  
26 reaching a conclusion as to whether the benefits of  
27 the tax expenditure are worth the cost to the state of  
28 providing the tax expenditure.  
29 (3) The report described in subparagraph (2)  
30 may include recommendations for better aligning  
31 tax expenditures with the original intent of the  
32 legislation that enacted the tax expenditure.  
33 b. (1) Estimate for each fiscal year, in  
34 conjunction with the legislative services agency  
35 and the department of revenue, the cost of each

36 individual tax expenditure and the total cost of all  
37 tax expenditures, and by December 15 provide those  
38 estimates to the governor for use in the preparation  
39 of the budget message under section 8.22 and to the  
40 general assembly to be used in the budget process.

41 (2) The estimates provided pursuant to subparagraph  
42 (1) may include the committee's recommendations for  
43 the imposition of a limitation on a specified tax  
44 expenditure, a limitation on the total amount of  
45 tax expenditures, or any other recommendation for a  
46 specific tax expenditure or the program under which the  
47 tax expenditure is provided.

48 3. Schedule of review of all tax expenditures. The  
49 committee shall review the following tax expenditures  
50 and incentives according to the following schedule:

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1 a. In 2011:

2 (1) The high quality jobs program under chapter 15,  
3 subchapter II, part 13.

4 (2) The tax credits for increasing research  
5 activities available under sections 15.335, 15A.9,  
6 422.10, and 422.33.

7 (3) The franchise tax credits available under  
8 sections 422.11 and 422.33.

9 (4) The earned income tax credit available under  
10 section 422.12B.

11 b. In 2012:

12 (1) The Iowa fund of funds program in chapter 15E,  
13 division VII.

14 (2) Property tax revenue divisions for urban  
15 renewal areas under section 403.19.

16 (3) The targeted jobs withholding credits available  
17 under section 403.19A.

18 (4) Funding of urban renewal projects with  
19 increased local sales and services tax revenues under  
20 section 423B.10.

21 (5) School tuition organization tax credits under  
22 sections 422.11S and 422.33.

23 (6) Tuition and textbook tax credits under section  
24 422.12.

25 c. In 2013:

26 (1) The child and dependent care and early  
27 childhood development tax credits under section  
28 422.12C.

29 (2) The endow Iowa tax credits authorized under  
30 section 15E.305.

31 (3) The redevelopment tax credits available under  
32 section 15.293A.

33 (4) The disaster recovery housing tax credits  
34 available under sections 16.211 and 16.212.

- 35 (5) The tax credits available for film, television,  
36 and video project promotion under section 15.393.  
37 d. In 2014:  
38 (1) Tax credits for investments in qualifying  
39 businesses and community-based seed capital funds under  
40 chapter 15E, division V.  
41 (2) Historic preservation and cultural and  
42 entertainment district tax credits under chapter 404A.  
43 (3) Wind energy production tax credits under  
44 chapter 476B.  
45 (4) Renewable energy tax credits under chapter  
46 476C.  
47 (5) The ethanol promotion tax credits available  
48 under section 422.11N.  
49 (6) The E-85 gasoline promotion tax credits  
50 available under section 422.11O.

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- 1 (7) The biodiesel blended fuel tax credits  
2 available under section 422.11P.  
3 e. In 2015:  
4 (1) The agricultural assets transfer tax credit  
5 under section 175.37.  
6 (2) The claim of right tax credit under section  
7 422.5.  
8 (3) The reduction in allocating income to Iowa by S  
9 corporation shareholders under section 422.8.  
10 (4) The minimum tax credit under sections 422.11B,  
11 422.33, and 422.60.  
12 (5) The assistive device corporate tax credit under  
13 section 422.33.  
14 (6) The charitable conservation contribution tax  
15 credit under sections 422.11W and 422.33.  
16 (7) The motor vehicle fuel tax credit under section  
17 422.110.  
18 (8) The new jobs tax credits available under  
19 section 422.11A.  
20 (9) The financial assistance available under the  
21 enterprise zones program in chapter 15E, division  
22 XVIII.  
23 4. A tax expenditure or incentive reviewed pursuant  
24 to subsection 3 shall be reviewed again not more than  
25 five years after the tax expenditure or incentive was  
26 most recently reviewed.>  
27 2. Page 5, line 26, by striking <2012> and  
28 inserting <2013>  
29 3. Page 10, by striking lines 2 through 9.  
30 4. Page 11, by striking lines 9 through 18.  
31 5. By renumbering as necessary.



**S-5293**

- 1 Amend House File 2525, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 12, by striking lines 25 through 30.  
4 2. By renumbering as necessary.

STEVE KETTERING

**S-5294**

- 1 Amend House File 2522, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 11, line 30, by striking <11,343,047> and  
4 inserting <11,293,047>  
5 2. Page 14, line 10, by striking <450,000> and  
6 inserting <500,000>  
7 3. Page 15, before line 3 by inserting:  
8 <Sec. \_\_\_\_ Section 15E.117, Code 2009, is amended  
9 to read as follows:  
10 15E.117 Promotion of Iowa wine and beer.  
11 1. The department of economic development shall  
12 consult with the Iowa wine and beer promotion board on  
13 the best means to promote wine and beer made in Iowa.  
14 2. The department has the authority to contract  
15 with private persons for the promotion of beer and wine  
16 made in Iowa. ~~At the direction of the department, the~~  
17 ~~director of the department of administrative services~~  
18 ~~shall issue warrants to the department of economic~~  
19 ~~development on the barrel tax fund created in section~~  
20 ~~123.143 and the wine gallonage tax fund created in~~  
21 ~~section 123.183, which moneys~~  
22 3. a. Moneys appropriated to the department  
23 pursuant to sections 123.143 and 123.183 may be used  
24 by the department for the ~~purpose~~ purposes of this  
25 section, including administrative expenses incurred  
26 under this section.  
27 b. Of the moneys appropriated to the department  
28 pursuant to section 123.183, the department shall  
29 allocate one hundred thousand dollars to the midwest  
30 grape and wine industry institute at Iowa state  
31 university of science and technology.  
32 Sec. \_\_\_\_ Section 84C.2, if enacted by 2010 Iowa  
33 Acts, House File 681, section 2, subsection 8, is  
34 amended as follows:  
35 8. "Part-time employee" means an employee who is  
36 employed for an average of fewer than twenty hours per  
37 week or an employee, including a full-time employee,  
38 who has been employed for fewer than six of the twelve  
39 months preceding the date on which notice is required.  
40 However, if an applicable collective bargaining  
41 agreement defines a part-time employee, such definition

42 ~~shall supersede the definition in this subsection.~~

43 Sec. \_\_\_\_ Section 84C.4, if enacted by 2010 Iowa  
44 Acts, House File 681, section 4, is amended by adding  
45 the following new subsection:  
46 NEW SUBSECTION. 7. Wages in lieu of notice. The  
47 thirty-day notice requirement in section 84C.3 may  
48 be reduced by the number of days for which severance  
49 payments or wages in lieu of notice are paid by the  
50 employer to the employee for work days occurring during

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1 the notice period. A severance payment or wages in  
2 lieu of notice shall be at least an amount equivalent  
3 to the regular pay the employee would earn for the work  
4 days occurring during the notice period.

5 Sec. \_\_\_\_ Section 91C.2, unnumbered paragraph 1,  
6 Code 2009, is amended to read as follows:

7 A contractor doing business in this state shall  
8 register with the labor commissioner and shall meet  
9 ~~both~~ all of the following requirements as a condition  
10 of registration:

11 Sec. \_\_\_\_ Section 91C.2, Code 2009, is amended by  
12 adding the following new subsection:

13 NEW SUBSECTION. 3. An out-of-state contractor  
14 shall either file a surety bond, as provided in section  
15 91C.7, with the division of labor services in the  
16 amount of twenty-five thousand dollars for a one-year  
17 period or shall provide a statement to the division of  
18 labor services that the contractor is prequalified to  
19 bid on projects for the department of transportation  
20 pursuant to section 314.1.

21 Sec. \_\_\_\_ Section 91C.7, subsection 2, Code  
22 Supplement 2009, is amended to read as follows:

23 ~~2. a. An out of state contractor, before~~  
24 ~~commencing a contract in excess of five thousand~~  
25 ~~dollars in value in Iowa, shall file a bond with~~  
26 ~~the division of labor services of the department~~  
27 ~~of workforce development. The~~ A ~~surety bond filed~~  
28 ~~pursuant to section 91C.2 shall be executed by a surety~~  
29 company authorized to do business in this state, and  
30 the bond shall be continuous in nature until canceled  
31 by the surety with not less than thirty days' written  
32 notice to the contractor and to the division of labor  
33 services of the department of workforce development  
34 indicating the surety's desire to cancel the bond. The  
35 surety company shall not be liable under the bond for  
36 any contract commenced after the cancellation of the  
37 bond. ~~The bond shall be in the sum of the greater of~~  
38 ~~the following:~~

39 ~~(1) One thousand dollars.~~

40 ~~(2) Five percent of the contract price.~~

41 ~~b. An out of state contractor may file a blanket~~  
 42 ~~bond in an amount at least equal to fifty thousand~~  
 43 ~~dollars for a two year period in lieu of filing an~~  
 44 ~~individual bond for each contract. The division~~  
 45 of labor services of the department of workforce  
 46 development may increase the bond amount after a  
 47 hearing.  
 48 Sec. \_\_\_\_. Section 123.143, subsection 3, Code 2009,  
 49 is amended to read as follows:  
 50 3. Barrel tax revenues collected on beer

Page 3

1 manufactured in this state from a class "A" permittee  
 2 which owns and operates a brewery located in Iowa shall  
 3 be credited to the barrel tax fund hereby created in  
 4 the office of the treasurer of state. Moneys deposited  
 5 in the barrel tax fund shall not revert to the general  
 6 fund of the state without a specific appropriation  
 7 by the general assembly. Moneys in the barrel tax  
 8 fund are appropriated to the department of economic  
 9 development for purposes of section 15E.117.>  
 10 4. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

### S-5295

1 Amend Senate File 2382 as follows:  
 2 1. Page 2, by striking line 31 and inserting <not  
 3 be used, except as it applies to biodiesel sold at a  
 4 production facility operated by a>  
 5 2. By renumbering as necessary.

ROGER STEWART

### S-5296

1 Amend House File 2462, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by striking lines 13 through 15.  
 4 2. By renumbering as necessary.

THOMAS G. COURTNEY  
 SWATI A. DANDEKAR  
 MATT McCOY

### S-5297

1 Amend House File 2462, as passed by the House, as  
 2 follows:  
 3 1. Page 1, after line 20 by inserting:

4 <c. Expenditures allowed under this subsection  
 5 shall not be made until all facilities within a  
 6 school district have been certified in writing as  
 7 being compliant with state and local fire codes,  
 8 safety codes, provisions of the federal Americans  
 9 with Disabilities Act, 42 U.S.C. § 12101–12117, by  
 10 an architect registered under chapter 544A or an  
 11 engineer licensed under chapter 542B, and the removal,  
 12 management, or abatement of environmental hazards, such  
 13 as asbestos and lead, are fully funded.>

THOMAS G. COURTNEY  
 SWATI A. DANDEKAR  
 MATT McCOY  
 JACK HATCH  
 STEVEN J. SODDERS  
 STEVE WARNSTADT  
 WILLIAM A. DOTZLER, JR.  
 SHAWN HAMERLINCK  
 DAVID JOHNSON  
 KIM REYNOLDS  
 JERRY BEHN  
 PAUL McKINLEY  
 TIM L. KAPUCIAN

### S-5298

1 Amend House File 2522, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 14, by striking lines 27 and 28 and  
 4 inserting <shall audit the Iowa finance authority.>

JAMES F. HAHN  
 RANDY FEENSTRA

### S-5299

1 Amend House File 2522, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 5, before line 21 by inserting:  
 4 <Od. The moneys appropriated to the community  
 5 development division pursuant to this subsection  
 6 shall not be used for purposes of providing financial  
 7 assistance for the Iowa green streets pilot project  
 8 or for any other program or project that involves the  
 9 implementation of geothermal systems for melting snow  
 10 and ice from streets or sidewalks.>  
 11 2. By renumbering as necessary.

STEVE KETTERING

**S-5300**

1 Amend House File 2525, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, after line 24 by inserting:

4 <\_\_. Of the amount appropriated in this section,  
5 \$238,000 is transferred to Iowa state university of  
6 science and technology, to be used for the university's  
7 midwest grape and wine industry institute.>

8 2. Page 4, after line 17 by inserting:

9 <\_\_. a. It is the intent of the general assembly  
10 that the appropriations bill for the fiscal year  
11 beginning July 1, 2011, and ending June 30, 2012, to  
12 be originally sponsored by the joint appropriations  
13 subcommittee on agriculture and natural resources  
14 during the 2011 session of the Eighty-fourth General  
15 Assembly include line item provisions for the  
16 state fish and game protection fund. The line item  
17 provisions shall include all of the following:

18 (1) The allocation of moneys and authorization of  
19 full-time equivalent positions dedicated to support law  
20 enforcement, fisheries and related fishing activities,  
21 and wildlife.

22 (2) The allocation of moneys in lieu of the  
23 expenditure authorization provided in section 455A.10  
24 to support capital projects and contingencies.

25 (3) The retention of the unexpended balance of  
26 moneys to remain in the fund available for use during  
27 the fiscal year beginning July 1, 2012, and ending June  
28 30, 2013.

29 b. The department of natural resources, in  
30 compiling its comprehensive program budget for the  
31 fiscal year beginning July 1, 2011, and ending June 30,  
32 2012, shall provide for all proposed allocations from  
33 and the retention of the balance of moneys to remain in  
34 the state fish and game protection fund as described in  
35 paragraph "a".>

36 3. Page 8, after line 3 by inserting:

37 <\_\_. Notwithstanding any other provision in  
38 law, the department may provide state resources from  
39 this appropriation, in combination with appropriate  
40 environment first fund appropriations, for cost sharing  
41 to match United States department of agriculture,  
42 natural resources conservation service, wetlands  
43 reserve enhancement program (WREP) funding available  
44 to Iowa.>

45 4. Page 14, after line 9 by inserting:

46 <DIVISION \_\_

47 BEAUTIFICATION GRANTS

48 Sec. \_\_. Section 455E.11, subsection 2, paragraph  
49 a, subparagraph (1), Code Supplement 2009, is amended  
50 by adding the following new subparagraph division:

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1 NEW SUBPARAGRAPH DIVISION. (Oa) (i) Each fiscal  
2 year for the fiscal period beginning July 1, 2010,  
3 and ending June 30, 2014, not more than two hundred  
4 thousand dollars to the department for purposes of  
5 awarding a beautification grant each year to one  
6 organization that does all of the following:  
7 (A) Assists communities and organizations in  
8 cleanup and beautification projects.  
9 (B) Conducts research to assist in the  
10 understanding of reasons for littering and illegal  
11 dumping.  
12 (C) Administers antilittering and beautification  
13 education programs.  
14 (D) Increases public awareness of the costs of  
15 littering.  
16 (ii) The grant recipient shall do all of the  
17 following:  
18 (A) Expend not more than twenty-five percent of the  
19 moneys for a public education and awareness initiative  
20 designed to reduce litter and illegal dumping.  
21 (B) Expend not more than twenty-five percent of the  
22 moneys for all of the following:  
23 (I) An educational initiative designed to  
24 discourage littering and illegal dumping for persons  
25 attending school in kindergarten through grade twelve.  
26 (II) A litter-free schools initiative.  
27 (III) A neighborhood beautification initiative.  
28 (C) Expend not more than twenty-five percent of the  
29 moneys for an illegal dumping surveillance program.  
30 (D) Expend not more than twenty-five percent of the  
31 moneys for a community partnership program designed to  
32 support community beautification projects.  
33 (iii) As a condition of the grant award each year,  
34 the department shall require the grant recipient to  
35 submit a written report to the department by the end  
36 of the fiscal year for which the grant is awarded.  
37 In addition to any other information required by the  
38 department, the report shall include information  
39 detailing the expenditure of all moneys received by  
40 the organization and the results achieved through the  
41 expenditure of the money.

42 DIVISION \_\_\_\_  
43 COMMERCIAL ESTABLISHMENT FUND  
44 Sec. \_\_\_\_ NEW SECTION. 162.2C Commercial  
45 establishment fund.

46 A commercial establishment fund is created in the  
47 state treasury under the management and control of the  
48 department.

49 1. The fund shall include moneys collected by the  
50 department in fees as provided in section 162.2B and

Page 3

1 moneys appropriated by the general assembly. The fund  
2 may include other moneys available to and obtained  
3 or accepted by the department, including moneys from  
4 public or private sources.

5 2. Moneys in the fund are appropriated to the  
6 department and shall be used exclusively to carry  
7 out the provisions of this chapter as determined and  
8 directed by the department, and shall not require  
9 further special authorization by the general assembly.

10 3. a. Notwithstanding section 12C.7, interest or  
11 earnings on moneys in the fund shall be credited to the  
12 fund.

13 b. Notwithstanding section 8.33, moneys credited  
14 to the fund that remain unexpended or unobligated at  
15 the end of a fiscal year shall not revert to any other  
16 fund.

17 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
18 APPLICABILITY.

19 1. This division of this Act applies retroactively  
20 to March 9, 2010.

21 2. This division of this Act, being deemed of  
22 immediate importance, takes effect upon enactment.>

23 5. By renumbering as necessary.

JOE M. SENG

### S-5301

1 Amend the House amendment, S-5287, to Senate File  
2 2378, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 8, after line 29 by inserting:

5 <\_\_\_\_. Page 29, line 24, by striking <eight million  
6 eight> and inserting <nine million one>>

7 2. By striking page 9, line 25, through page 10,  
8 line 12.

9 3. Page 10, before line 13 by inserting:

10 <\_\_\_\_. Page 35, after line 30 by inserting:  
11 <DIVISION \_\_\_\_

12 SCHEDULED FINES — CORRESPONDING AMENDMENTS

13 Sec. \_\_\_\_ Section 321.17, Code 2009, is amended to  
14 read as follows:

15 321.17 Misdemeanor to violate registration  
16 provisions.

17 It is a simple misdemeanor punishable as a scheduled  
18 violation under section 805.8A, subsection 2, ~~paragraph~~  
19 ~~"b"~~, for any person to drive or move or for an owner  
20 knowingly to permit to be driven or moved upon the  
21 highway a vehicle of a type required to be registered  
22 under this chapter which is not registered, or for

23 which the appropriate fees have not been paid, except  
24 as provided in section 321.109, subsection 3.

25 Sec. \_\_\_\_ Section 321.47, subsection 4, Code 2009,  
26 is amended to read as follows:

27 4. A person convicted of a violation of this  
28 section is guilty of a simple misdemeanor punishable as  
29 a scheduled violation under section 805.8A, subsection  
30 2, ~~paragraph "b"~~.

31 Sec. \_\_\_\_ Section 321.98, Code 2009, is amended to  
32 read as follows:

33 321.98 Operation without registration.

34 A person shall not operate, and an owner shall not  
35 knowingly permit to be operated upon any highway any  
36 vehicle required to be registered and titled hereunder  
37 unless there shall be attached thereto and displayed  
38 thereon when and as required by this chapter a valid  
39 registration card and registration plate or plates  
40 issued therefor for the current registration year and  
41 unless a certificate of title has been issued for such  
42 vehicle except as otherwise expressly permitted in this  
43 chapter. Any violation of this section is a simple  
44 misdemeanor punishable as a scheduled violation under  
45 section 805.8A, subsection 2, ~~paragraph "b"~~.

46 Sec. \_\_\_\_ Section 321.99, Code 2009, is amended to  
47 read as follows:

48 321.99 Fraudulent use of registration.

49 A person shall not knowingly lend to another a  
50 registration card, registration plate, special plate,

Page 2

1 or permit issued to the person if the other person  
2 desiring to borrow the card, plate, or permit would  
3 not be entitled to the use of it. A person shall  
4 not knowingly permit the use of a registration card,  
5 registration plate, special plate, or permit issued  
6 to the person by one not entitled to it, nor shall a  
7 person knowingly display upon a vehicle a registration  
8 card, registration plate, special plate, or permit not  
9 issued for that vehicle under this chapter. A person  
10 convicted of a violation of this section is guilty of a  
11 simple misdemeanor punishable as a scheduled violation  
12 under section 805.8A, subsection 2, ~~paragraph "d"~~.

13 Sec. \_\_\_\_ Section 321.104, unnumbered paragraph 1,  
14 Code 2009, is amended to read as follows:

15 It is a simple misdemeanor punishable as a scheduled  
16 violation under section 805.8A, subsection 2, ~~paragraph~~  
17 ~~"e"~~, for any person to commit any of the following  
18 acts:

19 Sec. \_\_\_\_ Section 321.115, subsection 4, Code 2009,  
20 is amended to read as follows:

21 4. A person convicted of a violation of this



22 section is guilty of a simple misdemeanor punishable as  
23 a scheduled violation under section 805.8A, subsection  
24 ~~2, paragraph "b"~~.

25 Sec. \_\_\_\_ Section 321.115A, subsection 3, Code  
26 Supplement 2009, is amended to read as follows:

27 3. A person convicted of a violation of this  
28 section is guilty of a simple misdemeanor punishable as  
29 a scheduled violation under section 805.8A, subsection  
30 ~~2, paragraph "b"~~.

31 Sec. \_\_\_\_ Section 321.193, unnumbered paragraph 4,  
32 Code 2009, is amended to read as follows:

33 It is a simple misdemeanor punishable as a scheduled  
34 violation under section 805.8A, subsection 4, ~~paragraph~~  
35 ~~"a"~~, for a person to operate a motor vehicle in any  
36 manner in violation of the restrictions imposed on a  
37 restricted license issued to that person under this  
38 section.

39 Sec. \_\_\_\_ Section 321.216, unnumbered paragraph 1,  
40 Code 2009, is amended to read as follows:

41 It is a simple misdemeanor punishable as a scheduled  
42 violation under section 805.8A, subsection 4, ~~paragraph~~  
43 ~~"b"~~, for any person:

44 Sec. \_\_\_\_ Section 321.216B, Code 2009, is amended  
45 to read as follows:

46 321.216B Use of driver's license or nonoperator's  
47 identification card by underage person to obtain  
48 alcohol.

49 A person who is under the age of twenty-one, who  
50 alters or displays or has in the person's possession

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1 a fictitious or fraudulently altered driver's license  
2 or nonoperator's identification card and who uses  
3 the license to violate or attempt to violate section  
4 123.47, commits a simple misdemeanor punishable as a  
5 scheduled violation under section 805.8A, subsection 4,  
6 ~~paragraph "c"~~. The court shall forward a copy of the  
7 conviction to the department.

8 Sec. \_\_\_\_ Section 321.216C, Code 2009, is amended  
9 to read as follows:

10 321.216C Use of driver's license or nonoperator's  
11 identification card by underage person to obtain  
12 cigarettes or tobacco products.

13 A person who is under the age of eighteen, who  
14 alters or displays or has in the person's possession  
15 a fictitious or fraudulently altered driver's license  
16 or nonoperator's identification card and who uses  
17 the license or card to violate or attempt to violate  
18 section 453A.2, subsection 2, commits a simple  
19 misdemeanor punishable as a scheduled violation under  
20 section 805.8A, subsection 4, ~~paragraph "c"~~. The

21 court shall forward a copy of the conviction to the  
22 department.  
23 Sec. \_\_\_\_ Section 321.219, unnumbered paragraph 2,  
24 Code 2009, is amended to read as follows:  
25 A person convicted of a violation of this section  
26 is guilty of a simple misdemeanor punishable as a  
27 scheduled violation under section 805.8A, subsection  
28 4, ~~paragraph "c"~~.  
29 Sec. \_\_\_\_ Section 321.220, unnumbered paragraph 2,  
30 Code 2009, is amended to read as follows:  
31 A person convicted of a violation of this section  
32 is guilty of a simple misdemeanor punishable as a  
33 scheduled violation under section 805.8A, subsection  
34 4, ~~paragraph "c"~~.  
35 Sec. \_\_\_\_ Section 321.234A, subsection 4, Code  
36 2009, is amended to read as follows:  
37 4. A person convicted of a violation of this  
38 section is guilty of a simple misdemeanor punishable as  
39 a scheduled violation under section 805.8A, subsection  
40 3, ~~paragraph "f"~~.  
41 Sec. \_\_\_\_ Section 321.247, unnumbered paragraph 2,  
42 Code 2009, is amended to read as follows:  
43 A person convicted of a violation of this section  
44 is guilty of a simple misdemeanor punishable as a  
45 scheduled violation under section 805.8A, subsection  
46 3, ~~paragraph "f"~~.  
47 Sec. \_\_\_\_ Section 321.302, subsection 4, Code 2009,  
48 is amended to read as follows:  
49 4. A person convicted of a violation of this  
50 section is guilty of a simple misdemeanor punishable as

Page 4

1 a scheduled violation under section 805.8A, subsection  
2 6, ~~paragraph "d"~~.  
3 Sec. \_\_\_\_ Section 321.327, unnumbered paragraph 2,  
4 Code 2009, is amended to read as follows:  
5 A person convicted of a violation of this section  
6 is guilty of a simple misdemeanor punishable as a  
7 scheduled violation under section 805.8A, subsection  
8 7, ~~paragraph "b"~~.  
9 Sec. \_\_\_\_ Section 321.366, unnumbered paragraph 3,  
10 Code 2009, is amended to read as follows:  
11 Violations of this section are punishable as a  
12 scheduled violation under section 805.8A, subsection  
13 6, ~~paragraph "d"~~.  
14 Sec. \_\_\_\_ Section 321.381, Code 2009, is amended to  
15 read as follows:  
16 321.381 Movement of unsafe or improperly equipped  
17 vehicles.  
18 It is a simple misdemeanor punishable as a scheduled  
19 violation under section 805.8A, subsection 3, ~~paragraph~~

20 ~~“f”~~, for any person to drive or move or for the owner  
 21 to cause or knowingly permit to be driven or moved  
 22 on any highway any vehicle or combination of vehicles  
 23 which is in such unsafe condition as to endanger  
 24 any person, or which does not contain those parts  
 25 or is not at all times equipped with such lamps and  
 26 other equipment in proper condition and adjustment as  
 27 required in this chapter, or which is equipped with one  
 28 or more unsafe tires or which is equipped in any manner  
 29 in violation of this chapter.

30 Sec. \_\_\_\_ Section 321.383, unnumbered paragraph 1,  
 31 Code 2009, is amended to read as follows:

32 Any person who violates any provision of this  
 33 section shall be fined as provided in section 805.8A,  
 34 subsection 3, ~~paragraph “d”~~.

35 Sec. \_\_\_\_ Section 321.404A, subsection 2, Code  
 36 2009, is amended to read as follows:

37 2. A person who violates this section shall be  
 38 subject to a scheduled fine under section 805.8A,  
 39 subsection 3, ~~paragraph “c”~~.

40 Sec. \_\_\_\_ Section 321.421, unnumbered paragraph 2,  
 41 Code 2009, is amended to read as follows:

42 A person convicted of a violation of this section  
 43 is guilty of a simple misdemeanor punishable as a  
 44 scheduled violation under section 805.8A, subsection  
 45 3, ~~paragraph “d”~~. >>

46 4. By renumbering as necessary.

TOM HANCOCK

## S-5302

1 Amend House File 2525, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 14, after line 9 by inserting:

4 <DIVISION \_\_\_\_  
 5 LOCAL FOOD AND FARM PLAN  
 6 <Sec. \_\_\_\_ LOCAL FOOD AND FARM PLAN. To the  
 7 extent feasible, the Leopold center for sustainable  
 8 agriculture established pursuant to section 266.39  
 9 shall prepare a local food and farm plan containing  
 10 policy and funding recommendations for supporting and  
 11 expanding local food systems and for assessing and  
 12 overcoming obstacles necessary to increase locally  
 13 grown food production. The Leopold center for  
 14 sustainable agriculture shall submit the plan to the  
 15 general assembly by January 10, 2011. The plan shall  
 16 include recommendations for short-term and long-term  
 17 solutions, including but not limited to the enactment  
 18 of legislation.

19 Sec. \_\_\_\_ REPEAL. This division of this Act is  
 20 repealed on January 10, 2011.

21 Sec. \_\_\_\_ EFFECTIVE DATE. This division of this  
 22 Act, being deemed of immediate importance, takes effect  
 23 upon enactment.>  
 24 2. By renumbering as necessary.

BILL HECKROTH

**S-5303**

1 Amend the amendment, S-5300, to House File 2525,  
 2 as amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. By striking page 1, line 46, through page 2,  
 5 line 41.  
 6 2. By renumbering as necessary.

JOE BOLKCOM

**S-5304**

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2438

1 Amend the Senate amendment, H-8436, to House File  
 2 2438, as passed by the House, as follows:  
 3 1. Page 1, line 6, by striking <3.> and inserting  
 4 <3. A person commits a class "D" felony when, without  
 5 authority and with the intent to commit an illegal  
 6 act upon a minor under the age of sixteen, the person  
 7 entices a person reasonably believed to be under the  
 8 age of sixteen.  
 9 4.>  
 10 2. Page 1, line 9, by striking <entices or>  
 11 3. Page 1, line 16, by striking <4.> and inserting  
 12 <5.>  
 13 4. Page 1, by striking lines 17 and 18 and  
 14 inserting:  
 15 <\_\_. Page 1, line 30, by striking <4.> and  
 16 inserting <6.>>

**S-5305**

HOUSE AMENDMENT TO  
 SENATE FILE 2310

1 Amend Senate File 2310, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, line 24, by striking <461.3> and  
 4 inserting <461.31>  
 5 2. Page 2, by striking lines 27 through 29.  
 6 3. Page 2, line 30, by striking <2.> and inserting

- 7 <1.>  
8 4. Page 2, line 34, by striking <3.> and inserting  
9 <2.>  
10 5. Page 2, line 35, by striking <2> and inserting  
11 <1>  
12 6. Page 3, by striking line 2 and inserting <of  
13 trust fund moneys distributed to the Iowa resources  
14 enhancement and protection fund or any one account  
15 established>  
16 7. Page 3, lines 5 and 6, by striking <together  
17 with the treasurer of state and the auditor of state>  
18 8. Page 3, by striking lines 10 through 13.  
19 9. Page 3, line 14, by striking <2.> and inserting  
20 <1.>  
21 10. Page 3, line 19, by striking <3.> and inserting  
22 <2.>  
23 11. Page 3, by striking lines 22 and 23 and  
24 inserting <The department of revenue, the department  
25 of agriculture and>  
26 12. Page 3, after line 27 by inserting:  
27 <Sec. \_\_. NEW SECTION. 461.24 Public listing.  
28 The department of natural resources, the department  
29 of agriculture and land stewardship, and the department  
30 of transportation shall cooperate to publish and  
31 maintain a public listing of how moneys contained in  
32 the natural resources and outdoor recreation trust  
33 fund as created in section 461.31 are distributed and  
34 spent during the course of each fiscal year. The  
35 departments shall designate one of the departments  
36 to be responsible for publishing and maintaining the  
37 public listing on the internet site operated by that  
38 department.>  
39 13. Page 5, by striking line 1 and inserting  
40 <parks, state preserves, state forests, wildlife areas,  
41 wildlife habitats,>  
42 14. Page 5, by striking line 13.  
43 15. Page 8, by striking lines 10 through 12 and  
44 inserting <maintenance, improvement, and expansion of  
45 land trails.>  
46 16. Page 8, by striking lines 32 through 34 and  
47 inserting <to dedicate a portion of state revenue for  
48 the benefit of the state's natural resources, as passed  
49 for>  
50 17. By renumbering as necessary.

**S-5306**

- 1 Amend House File 816, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 1, line 11, after <records> by inserting  
4 <in order to obtain a telephone number and last known  
5 address>

- 6 2. By renumbering as necessary.

ROBERT M. HOGG

**S-5307**

- 1 Amend House File 2526, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 54, after line 29 by inserting:  
 4 <3. The department shall implement standardized  
 5 procedures for determining income eligibility for all  
 6 programs under the purview of the department.>

DAVID HARTSUCH

**S-5308**

- 1 Amend the amendment, S-5184, to House File 2496, as  
 2 passed by the House, as follows:  
 3 1. Page 1, after line 32 by inserting:  
 4 <\_\_. Page 4, after line 23 by inserting:  
 5 <4. This section is repealed January 1, 2012. >>  
 6 2. By renumbering as necessary.

JOE BOLKCOM

**S-5309**

HOUSE AMENDMENT TO  
 SENATE FILE 2376

- 1 Amend Senate File 2376, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 12, after line 23 by inserting:  
 4 <Sec. \_\_. LIBRARY SERVICE AREA GEOGRAPHIC REGIONS  
 5 FOR FY 2010-2011 — OPERATIONS STUDY.  
 6 1. Notwithstanding section 256.61, for the fiscal  
 7 year beginning July 1, 2010, and ending June 30, 2011,  
 8 the library service areas shall serve and represent  
 9 six geographic regions by combining at least two  
 10 of seven library service areas existing in fiscal  
 11 year 2009-2010, including their staff and boards of  
 12 trustees.  
 13 2. Moneys appropriated to the department of  
 14 education for state aid for the library service area  
 15 system pursuant to section 6, subsection 5, of this  
 16 Act shall be equally divided and allocated to the six  
 17 library services areas.  
 18 3. a. The library services areas and the state  
 19 library shall work collaboratively to conduct a study  
 20 of ways to streamline state-funded library operations  
 21 and services. The study shall, at a minimum, address

22 the following:

23 (1) Library service area service delivery  
24 strengths.

25 (2) Best practices for delivering continuing  
26 education.

27 (3) The use of social networking tools to provide  
28 consulting services.

29 (4) Consolidation of bookkeeping and auditing  
30 functions.

31 (5) Locally based creative collaborations among all  
32 types of libraries.

33 b. The library service areas shall collaboratively  
34 submit their findings and recommendations in a report  
35 to the general assembly on or before November 1, 2010.>

36 2. By striking page 12, line 24, through page 13,  
37 line 15.

38 3. Page 18, line 14, before <From> by inserting  
39 <(1)>

40 4. Page 18, after line 21 by inserting:

41 <(2) The university of northern Iowa shall  
42 work with the community colleges to develop STEM  
43 professional development programs for community college  
44 instructors and STEM curriculum development.>

45 5. Page 19, after line 17 by inserting:

46 <Sec. \_\_. IOWA COMPREHENSIVE PETROLEUM UNDERGROUND  
47 STORAGE TANK FUND APPROPRIATIONS — STATE BOARD OF  
48 REGENTS.

49 There is appropriated from the Iowa comprehensive  
50 petroleum underground storage tank fund created in

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1 section 455G.3 to the state board of regents for the  
2 fiscal year beginning July 1, 2010, and ending June 30,  
3 2011, the following amounts, or so much thereof as may  
4 be necessary, to be used for the purposes designated,  
5 notwithstanding section 455G.3, subsection 1:

6 1. STATE UNIVERSITY OF IOWA

7 General university

8 For salaries, support, maintenance, equipment, and  
9 miscellaneous purposes:

10 ..... \$ 4,086,492

11 2. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

12 General university

13 For salaries, support, maintenance, equipment, and  
14 miscellaneous purposes:

15 ..... \$ 3,202,079

16 3. UNIVERSITY OF NORTHERN IOWA

17 General university

18 For salaries, support, maintenance, equipment, and  
19 miscellaneous purposes:

20 ..... \$ 1,456,118

21 4. STATE SCHOOL FOR THE DEAF  
 22 For salaries, support, maintenance, equipment, and  
 23 miscellaneous purposes:  
 24 ..... \$ 162,980  
 25 5. IOWA BRAILLE AND SIGHT SAVING SCHOOL  
 26 For salaries, support, maintenance, equipment, and  
 27 miscellaneous purposes:  
 28 ..... \$ 92,331>  
 29 6. Page 20, after line 5 by inserting:  
 30 <Sec. \_\_\_. Section 7C.13, subsections 3 and 5,  
 31 Code Supplement 2009, are amended by striking the  
 32 subsections.>  
 33 7. Page 20, after line 5 by inserting:  
 34 <Sec. \_\_\_. Section 21.2, subsection 1, Code  
 35 Supplement 2009, is amended by adding the following new  
 36 paragraphs:  
 37 NEW PARAGRAPH. k. An organization referred  
 38 to in section 279.38 or 279.38A, or a nonprofit  
 39 corporation supported in whole or in part with revenues  
 40 derived from public fees or public deposits, that was  
 41 established by, or is operated by, a governing board  
 42 whose membership was or is substantially comprised  
 43 of state or local elected officials or appointees of  
 44 governmental bodies.  
 45 NEW PARAGRAPH. l. The qualified student loan bond  
 46 issuer referred to in section 7C.13.  
 47 Sec. \_\_\_. Section 21.11, Code 2009, is amended to  
 48 read as follows:  
 49 21.11 Applicability to nonprofit corporations.  
 50 This chapter applies to nonprofit corporations ~~which~~

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1 ~~are~~ that meet either of the following conditions:  
 2 1. Are defined as governmental bodies subject to  
 3 section 21.2, subsection 1, paragraph “f”, only when  
 4 the meetings conducted by the nonprofit corporations  
 5 relate to the conduct of pari-mutuel racing and  
 6 wagering pursuant to chapter 99D.  
 7 2. Are supported in whole or in part with revenues  
 8 derived from public fees or public deposits and were  
 9 established by, or are operated by, a governing board  
 10 whose membership was or is substantially comprised  
 11 of state or local elected officials or appointees  
 12 of governmental bodies, including but not limited  
 13 to organizations referred to in sections 279.38 and  
 14 279.38A.  
 15 Sec. \_\_\_. Section 22.1, subsections 1 and 3, Code  
 16 Supplement 2009, are amended to read as follows:  
 17 1. The term “government body” means this state,  
 18 or any county, city, township, school corporation,  
 19 political subdivision, tax-supported district,



20 nonprofit corporation other than a fair conducting a  
 21 fair event as provided in chapter 174, whose facilities  
 22 or indebtedness are supported in whole or in part  
 23 with property tax revenue and which is licensed to  
 24 conduct pari-mutuel wagering pursuant to chapter 99D;  
 25 the qualified student loan bond issuer referred to in  
 26 section 7C.13; a nonprofit corporation supported in  
 27 whole or in part with revenues derived from public  
 28 fees or public deposits, that was established by, or  
 29 is operated by, a governing board whose membership  
 30 was or is substantially comprised of state or local  
 31 elected officials or appointees of governmental bodies;  
 32 an organization referred to in section 279.38 or  
 33 279.38A; the governing body of a drainage or levee  
 34 district as provided in chapter 468, including a board  
 35 as defined in section 468.3, regardless of how the  
 36 district is organized; or other entity of this state,  
 37 or any branch, department, board, bureau, commission,  
 38 council, committee, official, or officer of any of the  
 39 foregoing or any employee delegated the responsibility  
 40 for implementing the requirements of this chapter.  
 41 3. As used in this chapter, "public records"  
 42 includes all records, documents, tape, or other  
 43 information, stored or preserved in any medium, of or  
 44 belonging to this state or any county, city, township,  
 45 school corporation, political subdivision, nonprofit  
 46 corporation other than a fair conducting a fair  
 47 event as provided in chapter 174, whose facilities or  
 48 indebtedness are supported in whole or in part with  
 49 property tax revenue and which is licensed to conduct  
 50 pari-mutuel wagering pursuant to chapter 99D, nonprofit

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1 corporation supported in whole or in part with revenues  
 2 derived from public fees or public deposits and  
 3 established by, or operated by, a governing board  
 4 whose membership was or is substantially comprised  
 5 of state or local elected officials or appointees of  
 6 governmental bodies, an organization referred to in  
 7 section 279.38 or 279.38A, or tax-supported district  
 8 in this state, or any branch, department, board,  
 9 bureau, commission, council, or committee of any of the  
 10 foregoing.>

11 8. Page 20, after line 5 by inserting:  
 12 <Sec. \_\_. Section 99D.9, Code 2009, is amended by  
 13 adding the following new subsection:

14 NEW SUBSECTION. 9. The governing body of the  
 15 licensee shall be a governmental body for purposes of  
 16 chapters 21 and 22.>

17 9. Page 20, after line 5 by inserting:  
 18 <Sec. \_\_. Section 256.9, subsection 60, paragraph

19 b, Code Supplement 2009, as enacted by 2010 Iowa Acts,  
 20 Senate File 2033, section 1, is amended by striking the  
 21 paragraph.>

22 10. Page 20, after line 5 by inserting:

23 <Sec. \_\_\_\_ Section 256.51, subsection 1, Code 2009,  
 24 is amended by adding the following new paragraph:

25 NEW PARAGRAPH. k. Compile and evaluate the  
 26 information contained in the reports submitted to  
 27 the division pursuant to section 256.66, subsection  
 28 13A. The division shall submit electronically the  
 29 summary and its findings and recommendations in  
 30 an annual report to the commission, the general  
 31 assembly, chairpersons and ranking members of the joint  
 32 appropriations subcommittee on education, and the  
 33 fiscal services division of the legislative services  
 34 agency by January 15.

35 Sec. \_\_\_\_ Section 256.66, Code 2009, is amended by  
 36 adding the following new subsection:

37 NEW SUBSECTION. 13A. Shall submit electronically  
 38 by December 1 annually a report to the division of  
 39 libraries and information services that provides  
 40 details regarding the revenues the library service area  
 41 receives from all sources, its expenditures, and its  
 42 full-time equivalent positions by job title for the  
 43 preceding fiscal year.>

44 11. Page 31, line 5, after <review> by inserting  
 45 <how area education agency administrative services  
 46 are funded and the percentages of state, federal, and  
 47 local moneys used to pay for administrative services  
 48 and salaries, the services provided by area education  
 49 agencies, the number of students served by each area  
 50 education agency, and the>

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1 12. Page 31, after line 9 by inserting:

2 <\_\_\_\_. The section of this Act amending section  
 3 256.9, subsection 60, being deemed of immediate  
 4 importance, takes effect upon enactment.>

5 13. Title page, line 5, after <atters> by  
 6 inserting <including changes to the open meetings and  
 7 public records laws>

8 14. By renumbering as necessary.

## S-5310

1 Amend the House amendment, S-5291, to Senate File  
 2 2367, as amended, passed, and reprinted by the Senate,  
 3 as follows:

4 1. Page 1, by striking lines 3 and 4.

5 2. Page 1, by striking lines 6 through 10 and  
 6 inserting:

- 7 < \_\_. Page 8, by striking line 34 and inserting:
- 8 <..... \$ 2,064,471>
- 9 \_\_. Page 9, by striking line 12 and inserting:
- 10 <..... \$ 127,167>
- 11 \_\_. Page 9, by striking line 17 and inserting:
- 12 <..... \$ 70,783 >>
- 13 3. Page 1, by striking lines 12 and 13 and
- 14 inserting:
- 15 < \_\_. Page 16, by striking line 20 and inserting
- 16 <..... \$ 4,997,742 >>
- 17 4. Page 1, by striking lines 16 and 17 and
- 18 inserting:
- 19 < \_\_. Page 22, by striking lines 25 and 26 and
- 20 inserting <information technology under a an existing
- 21 competitively procured contract let by another agency>
- 22 \_\_. Page 22, line 27, by striking <or other> and
- 23 inserting ~~<or other>~~
- 24 \_\_. Page 22, line 29, after <entity.> by inserting
- 25 <The department, on its own behalf or on the behalf of
- 26 another participating agency or governmental entity,
- 27 may also procure information technology by leveraging
- 28 an existing competitively procured contract, or other
- 29 than a contract associated with the state board of
- 30 regents or an institution under the control of the
- 31 state board of regents.>>
- 32 5. By striking page 1, line 19, through page 6,
- 33 line 22, and inserting <line 10.>
- 34 6. Page 7, line 26, by striking <1.>
- 35 7. Page 7, line 32, by striking <a.> and inserting
- 36 <1.>
- 37 8. Page 7, line 37, by striking <b.> and inserting
- 38 <2.>
- 39 9. Page 7, line 42, by striking <c.> and inserting
- 40 <3.>
- 41 10. Page 7, line 45, by striking <d.> and inserting
- 42 <4.>
- 43 11. Page 7, line 49, by striking <e.> and inserting
- 44 <5.>
- 45 12. Page 8, by striking lines 1 and 34.
- 46 13. By renumbering as necessary.

JEFF DANIELSON

**S-5311**

- 1 Amend Senate File 2242 as follows:
- 2 1. By striking everything after the enacting clause
- 3 and inserting:
- 4 <DIVISION I
- 5 IOWA COMPREHENSIVE PETROLEUM
- 6 UNDERGROUND STORAGE TANK FUND
- 7 Section 1. Section 455B.474, subsection 1,

8 paragraph d, subparagraph (2), unnumbered paragraph 1,  
9 Code Supplement 2009, is amended to read as follows:

10 A site shall be classified as either high risk,  
11 low risk, or no action required, as determined by a  
12 certified groundwater professional.

13 Sec. 2. Section 455B.474, subsection 1, paragraph  
14 d, subparagraph (2), subparagraph division (a),  
15 unnumbered paragraph 1, Code Supplement 2009, is  
16 amended to read as follows:

17 A site shall be considered high risk when ~~it is~~  
18 ~~determined~~ a certified groundwater professional  
19 determines that contamination from the site presents an  
20 unreasonable risk to public health and safety or the  
21 environment under any of the following conditions:

22 Sec. 3. Section 455B.474, subsection 1, paragraph  
23 d, subparagraph (2), subparagraph division (b),  
24 unnumbered paragraph 1, Code Supplement 2009, is  
25 amended to read as follows:

26 A site shall be considered low risk ~~under any of~~  
27 ~~the following conditions~~ when a certified groundwater  
28 professional determines that low risk conditions exist  
29 as follows:

30 Sec. 4. Section 455B.474, subsection 1, paragraph  
31 d, subparagraph (2), subparagraph divisions (c) and  
32 (e), Code Supplement 2009, are amended to read as  
33 follows:

34 (c) A site shall be considered no action required  
35 ~~if and a no further action certificate shall be~~  
36 issued by the department when a certified groundwater  
37 professional determines that contamination is below  
38 action level standards and high or low risk conditions  
39 do not exist and are not likely to occur.

40 (e) A site cleanup report which classifies a  
41 site as either high risk, low risk, or no action  
42 required shall be submitted by a groundwater  
43 professional to the department with a certification  
44 that the report complies with the provisions of this  
45 chapter and rules adopted by the department. The  
46 report shall be determinative of the appropriate  
47 classification of the site. ~~However, if the report~~  
48 ~~is found to be~~ and the site shall be classified as  
49 indicated by the groundwater professional unless,  
50 within ninety days of receipt by the department,

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1 the department identifies material information in  
2 the report that is inaccurate or incomplete, and  
3 ~~if~~ based upon inaccurate or incomplete information  
4 in the report the risk classification of the site  
5 cannot be reasonably determined by the department  
6 based upon industry standards, ~~the department shall,~~

7 If the department determines that the site cleanup  
8 report is inaccurate or incomplete, the department  
9 shall notify the groundwater professional of the  
10 inaccurate or incomplete information within ninety  
11 days of receipt of the report and shall work with  
12 the groundwater professional to obtain ~~the~~ correct  
13 information or additional information necessary  
14 to appropriately classify the site. However, from  
15 July 1, 2010, through June 30, 2011, the department  
16 shall have one hundred twenty days to notify the  
17 certified groundwater professional when a report is  
18 not accepted based on material information that is  
19 found to be inaccurate or incomplete. A groundwater  
20 professional who knowingly or intentionally makes a  
21 false statement or misrepresentation which results in  
22 a mistaken classification of a site shall be guilty of  
23 a serious misdemeanor and shall have the groundwater  
24 professional's certification revoked under this  
25 section.

26 Sec. 5. Section 455B.474, subsection 1, paragraph  
27 f, subparagraphs (5), (6), and (7), Code Supplement  
28 2009, are amended to read as follows:

29 (5) A corrective action design report submitted by  
30 a groundwater professional shall be accepted by the  
31 department and shall be primarily relied upon by the  
32 department to determine the corrective action response  
33 requirements of the site. However, if ~~the corrective~~  
34 ~~action design report is found to be within ninety days~~  
35 of receipt of a corrective action design report, the  
36 department identifies material information in the  
37 corrective action design report that is inaccurate or  
38 incomplete, and if based upon information in the report  
39 the appropriate corrective action response cannot be  
40 reasonably determined by the department based upon  
41 industry standards, the department shall notify the  
42 groundwater professional that the corrective action  
43 design report is not accepted, and the department  
44 shall work with the groundwater professional to correct  
45 the material information or to obtain the additional  
46 information necessary to appropriately determine the  
47 corrective action response requirements as soon as  
48 practicable. However, from July 1, 2010, through June  
49 30, 2011, the department shall have one hundred twenty  
50 days to notify the certified groundwater professional

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1 when a corrective action design report is not accepted  
2 based on material information that is found to be  
3 inaccurate or incomplete. A groundwater professional  
4 who knowingly or intentionally makes a false statement  
5 or misrepresentation which results in an improper or

6 incorrect corrective action response shall be guilty of  
 7 a serious misdemeanor and shall have the groundwater  
 8 professional's certification revoked under this  
 9 section.

10 (6) Low risk sites shall be monitored as deemed  
 11 necessary by the department consistent with industry  
 12 standards. Monitoring shall not be required on a site  
 13 which has received a no further action certificate.  
 14 A site that has maintained less than the applicable  
 15 target level for four consecutive sampling events shall  
 16 be reclassified as a no action required site regardless  
 17 of exit monitoring criteria and guidance.

18 (7) An owner or operator may elect to proceed with  
 19 additional corrective action on the site. However,  
 20 any action taken in addition to that required pursuant  
 21 to this paragraph "f" shall be solely at the expense  
 22 of the owner or operator and shall not be considered  
 23 corrective action for purposes of section 455G.9,  
 24 unless otherwise previously agreed to by the board  
 25 and the owner or operator pursuant to section 455G.9,  
 26 subsection 7. Corrective action taken by an owner or  
 27 operator due to the department's failure to meet the  
 28 time requirements provided in subparagraph (5), shall  
 29 be considered corrective action for purposes of section  
 30 455G.9.

31 Sec. 6. Section 455B.474, subsection 1, paragraph  
 32 h, subparagraphs (1) and (3), Code Supplement 2009, are  
 33 amended to read as follows:

34 (1) A no further action certificate shall be  
 35 issued by the department for a site which has been  
 36 classified as a no further action site or which  
 37 has been reclassified pursuant to completion of a  
 38 corrective action plan or monitoring plan to be a no  
 39 further action site by a groundwater professional,  
 40 unless within ninety days of receipt of the report  
 41 submitted by the groundwater professional classifying  
 42 the site, the department notifies the groundwater  
 43 professional that the report and site classification  
 44 are not accepted and the department identifies  
 45 material information in the report that is inaccurate  
 46 or incomplete which causes the department to be  
 47 unable to accept the classification of the site.  
 48 An owner or operator shall not be responsible for  
 49 additional assessment, monitoring, or corrective  
 50 action activities at a site that is issued a no further

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1 action certificate unless it is determined that the  
 2 certificate was issued based upon false material  
 3 statements that were knowingly or intentionally made  
 4 by a groundwater professional and the false material

5 statements resulted in the incorrect classification of  
6 the site.

7 (3) A certificate shall be recorded with the county  
8 recorder. The owner or operator of a site who has been  
9 issued a certificate under this paragraph "h" or a  
10 subsequent purchaser of the site shall not be required  
11 to perform further corrective action ~~solely~~ because  
12 action standards are changed at a later date. A  
13 certificate shall not prevent the department from  
14 ordering corrective action of a new release.

15 Sec. 7. Section 455B.479, Code 2009, is amended to  
16 read as follows:

17 455B.479 Storage tank management fee.

18 An owner or operator of an underground storage  
19 tank shall pay an annual storage tank management fee  
20 of sixty-five dollars per tank of over one thousand  
21 one hundred gallons capacity. ~~Twenty three percent~~  
22 ~~of the~~ The fees collected shall be deposited in the  
23 storage tank management account of the groundwater  
24 protection fund. ~~Seventy seven percent of the fees~~  
25 ~~collected shall be deposited in the Iowa comprehensive~~  
26 ~~petroleum underground storage tank fund created in~~  
27 ~~chapter 455G.~~

28 Sec. 8. Section 455E.11, subsection 2, paragraph d,  
29 Code Supplement 2009, is amended to read as follows:

30 d. A storage tank management account. All fees  
31 collected pursuant to section 455B.473, subsection 5,  
32 and section 455B.479, shall be deposited in the storage  
33 tank management account, ~~except those moneys deposited~~  
34 ~~into the Iowa comprehensive petroleum underground~~  
35 ~~storage tank fund pursuant to section 455B.479. Funds,~~  
36 Moneys deposited in the account shall be expended for  
37 the following purposes:

38 (1) One thousand dollars is appropriated annually  
39 to the Iowa department of public health to carry out  
40 departmental duties under section 135.11, subsections  
41 19 and 20, and section 139A.21.

42 (2) ~~Twenty three percent of the proceeds of the~~  
43 ~~fees imposed pursuant to section 455B.473, subsection~~  
44 ~~5, and section 455B.479 shall be deposited in the~~  
45 ~~account annually, up to a maximum of three hundred~~  
46 ~~fifty thousand dollars. If twenty three percent of the~~  
47 ~~proceeds exceeds three hundred fifty thousand dollars,~~  
48 ~~the excess shall be deposited into the fund created in~~  
49 ~~section 455G.3. Three hundred fifty thousand dollars~~  
50 ~~is~~ The moneys remaining in the account after the

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1 appropriation in subparagraph (1) are appropriated from  
2 the storage tank management account to the department  
3 of natural resources for the administration of a state

4 storage tank program pursuant to chapter 455B, division  
 5 IV, part 8, and for programs which reduce the potential  
 6 for harm to the environment and the public health from  
 7 storage tanks.

8 (3) ~~The remaining funds in the account are~~  
 9 ~~appropriated annually to the Iowa comprehensive~~  
 10 ~~petroleum underground storage tank fund. Each fiscal~~  
 11 ~~year, the department of natural resources shall enter~~  
 12 ~~into an agreement with the Iowa comprehensive petroleum~~  
 13 ~~underground storage tank fund for the completion~~  
 14 ~~of administrative tasks during the fiscal year~~  
 15 ~~directly related to the evaluation and modification~~  
 16 ~~of risk based corrective action rules as necessary~~  
 17 ~~and processes that affect the administration in~~  
 18 ~~subparagraph (2).~~

19 Sec. 9. Section 455G.3, Code 2009, is amended by  
 20 adding the following new subsections:

21 NEW SUBSECTION. 6. For the fiscal year beginning  
 22 July 1, 2010, and each fiscal year thereafter, there  
 23 is appropriated from the Iowa comprehensive petroleum  
 24 underground storage tank fund to the department of  
 25 natural resources two hundred thousand dollars for  
 26 purposes of technical review support to be conducted  
 27 by nongovernmental entities for leaking underground  
 28 storage tank assessments.

29 NEW SUBSECTION. 7. For the fiscal year beginning  
 30 July 1, 2010, there is appropriated from the Iowa  
 31 comprehensive petroleum underground storage tank fund  
 32 to the department of natural resources one hundred  
 33 thousand dollars for purposes of database modifications  
 34 necessary to accept batched external data regarding  
 35 underground storage tank inspections conducted by  
 36 nongovernmental entities.

37 NEW SUBSECTION. 8. For the fiscal year beginning  
 38 July 1, 2010, and each fiscal year thereafter, there  
 39 is appropriated from the Iowa comprehensive petroleum  
 40 underground storage tank fund to the department of  
 41 agriculture and land stewardship two hundred fifty  
 42 thousand dollars for the sole and exclusive purpose  
 43 of inspecting fuel quality at pipeline terminals  
 44 and renewable fuel production facilities, including  
 45 salaries, support, maintenance, and miscellaneous  
 46 purposes.

47 NEW SUBSECTION. 9. Beginning September 1, 2010,  
 48 the board shall administer safety training, hazardous  
 49 material training, environmental training, and  
 50 underground storage tank operator training in the

1 state to be provided by an entity approved by the  
 2 department of natural resources. The training provided



3 pursuant to this subsection shall be available to any  
4 tank operator in the state at an equal and reasonable  
5 cost and shall not be conditioned upon any other  
6 requirements. Each fiscal year, the board shall not  
7 expend more than two hundred fifty thousand dollars  
8 from the Iowa comprehensive petroleum underground  
9 storage tank fund for purposes of administering this  
10 subsection.

11 Sec. 10. Section 455G.4, subsection 1, paragraph a,  
12 subparagraphs (3) and (5), Code Supplement 2009, are  
13 amended to read as follows:

14 ~~(3) The commissioner of insurance, or the~~  
15 ~~commissioner's designee. An employee of the department~~  
16 ~~of management who has been designated as a risk manager~~  
17 ~~by the director of the department of management.~~

18 (5) Two owners or operators appointed by the  
19 governor. ~~One of the owners or operators appointed~~  
20 ~~pursuant to this subparagraph shall have been a~~  
21 ~~petroleum systems insured through the underground~~  
22 ~~storage tank insurance fund as it existed on June 30,~~  
23 ~~2004, or a successor to the underground storage tank~~  
24 ~~insurance fund and shall have been an insured through~~  
25 ~~the insurance account of the comprehensive petroleum~~  
26 ~~underground storage tank fund on or before October~~  
27 ~~26, 1990. One of the owners or operators appointed~~  
28 ~~pursuant to this subparagraph shall be self-insured. as~~  
29 ~~follows:~~

30 (a) One member shall be an owner or operator who is  
31 self-insured.

32 (b) One member shall be a member of the petroleum  
33 marketers and convenience stores of Iowa or its  
34 designee.

35 Sec. 11. Section 455G.8, subsection 3, Code 2009,  
36 is amended by striking the subsection.

37 Sec. 12. Section 455G.9, subsection 1, paragraphs  
38 d, k, and l, Code 2009, are amended to read as follows:

39 d. One hundred percent of the costs of corrective  
40 action and third-party liability for a release situated  
41 on property acquired by a county for delinquent taxes  
42 pursuant to chapters 445 through 448, for which a  
43 responsible owner or operator able to pay, other  
44 than the county, cannot be found. A county is not  
45 a "responsible party" for a release in connection  
46 with property which it acquires in connection with  
47 delinquent taxes, and does not become a responsible  
48 party by sale or transfer of property so acquired. In  
49 such situations, the board may act as an agent for  
50 the county. Actual corrective action on the site

2 a certified groundwater professional. Third-party  
3 liability specifically excludes any claim, cause of  
4 action, or suit, for personal injury including, but  
5 not limited to, loss of use or of private enjoyment,  
6 mental anguish, false imprisonment, wrongful entry or  
7 eviction, humiliation, discrimination, or malicious  
8 prosecution. Reasonable acquisition costs do not  
9 include any taxes or costs related to the collection  
10 of taxes.

11 k. Pursuant to an agreement between the board and  
12 the department of natural resources, assessment and  
13 corrective action arising out of releases at sites for  
14 which a no further action certificate has been issued  
15 pursuant to section 455B.474, when the department  
16 determines that an unreasonable risk to public health  
17 and safety may still exist or that previously reported  
18 upon applicable target levels have been exceeded. At  
19 a minimum, the agreement shall address eligible costs,  
20 contracting for services, and conditions under which  
21 sites may be reevaluated.

22 1. ~~Costs Up to fifteen thousand dollars~~ for the  
23 permanent closure of an underground storage tank  
24 system ~~that was in place on the date an eligible claim~~  
25 ~~was submitted under paragraph "a" that does not meet~~  
26 performance standards for new or upgraded tanks or  
27 is otherwise required to be closed pursuant to rules  
28 adopted by the environmental protection commission  
29 pursuant to section 455B.474. Reimbursement is limited  
30 to costs approved by the board prior to the closure  
31 activities.

32 Sec. 13. Section 455G.9, subsection 4, Code 2009,  
33 is amended to read as follows:

34 4. Minimum copayment schedule.

35 a. An owner or operator shall be required to pay  
36 the greater of five thousand dollars or eighteen  
37 percent of the first eighty thousand dollars of the  
38 total costs of corrective action for that release,  
39 except for claims pursuant to section 455G.21, where  
40 the claimant is not a responsible party or potentially  
41 responsible party for the site for which the claim is  
42 filed.

43 b. If a site's actual expenses exceed eighty  
44 thousand dollars, the remedial account shall pay the  
45 remainder, as required by federal regulations, of  
46 the total costs of the corrective action for that  
47 release, not to exceed one million dollars, except that  
48 a county shall not be required to pay a copayment in  
49 connection with a release situated on property acquired  
50 in connection with delinquent taxes, as provided in

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1 subsection 1, paragraph “d”, unless subsequent to  
2 acquisition the county actively operates a tank on the  
3 property for purposes other than risk assessment, risk  
4 management, or tank closure.

5 Sec. 14. Section 455G.9, subsection 7, Code 2009,  
6 is amended to read as follows:

7 7. Expenses of cleanup not required. When an  
8 owner or operator who is eligible for benefits under  
9 this chapter is allowed by the department of natural  
10 resources to monitor in place, the expenses incurred  
11 for cleanup beyond the level required by the department  
12 of natural resources ~~are not~~ may be covered under any  
13 of the accounts established under the fund only if  
14 approved by the board as cost-effective relative to  
15 the department accepted monitoring plan or relative  
16 to the repeal date specified in section 424.19. The  
17 cleanup expenses incurred for work completed beyond  
18 what is required is the responsibility of the person  
19 contracting for the excess cleanup. The board shall  
20 seek to terminate the responsible party's environmental  
21 liabilities at such sites prior to the board ceasing  
22 operation.

23 Sec. 15. Section 455G.9, subsection 10, Code 2009,  
24 is amended to read as follows:

25 10. Expenses incurred by governmental subdivisions  
26 and public works utilities. The board ~~may~~ shall adopt  
27 rules for reimbursement for reasonable expenses  
28 incurred by a governmental subdivision or public  
29 works utility for sampling, treating, handling,  
30 or disposing, as required by the department, of  
31 petroleum-contaminated soil and groundwater encountered  
32 in a public right-of-way during installation,  
33 maintenance, or repair of a utility or public  
34 improvement. The board may seek full recovery from  
35 a responsible party liable for the release for such  
36 expenses and for all other costs and reasonable  
37 attorney fees and costs of litigation for which moneys  
38 are expended by the fund. Any expense described in  
39 this subsection incurred by the fund constitutes a lien  
40 upon the property from which the release occurred.  
41 A lien shall be recorded and an expense shall be  
42 collected in the same manner as provided in section  
43 424.11.

44 Sec. 16. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
45 APPLICABILITY. The section of this division of this  
46 Act amending section 455G.9, subsection 4, being deemed  
47 of immediate importance, takes effect upon enactment  
48 and applies retroactively to January 1, 2010.

49 DIVISION II

50 BONDING AUTHORITY

Page 9

1 Sec. 17. Section 455G.2, subsection 1, Code 2009,  
2 is amended by striking the subsection.

3 Sec. 18. Section 455G.2, subsection 3, Code 2009,  
4 is amended to read as follows:

5 3. "Bond" means a bond, note, or other obligation  
6 issued by the ~~authority~~ treasurer of state for the fund  
7 and the purposes of this chapter.

8 Sec. 19. Section 455G.3, subsection 2, Code 2009,  
9 is amended to read as follows:

10 2. The board shall assist Iowa's owners and  
11 operators of petroleum underground storage tanks in  
12 complying with federal environmental protection agency  
13 technical and financial responsibility regulations  
14 by establishment of the Iowa comprehensive petroleum  
15 underground storage tank fund. The ~~authority~~ treasurer  
16 of state may issue its bonds, or series of bonds, to  
17 assist the board, as provided in this chapter.

18 Sec. 20. Section 455G.6, subsections 7 through 9,  
19 Code Supplement 2009, are amended to read as follows:

20 7. The board may contract with the  
21 ~~authority~~ treasurer of state for the  
22 ~~authority~~ treasurer of state to issue bonds and do  
23 all things necessary with respect to the purposes  
24 of the fund, as set out in the contract between the  
25 board and the ~~authority~~ treasurer of state. The  
26 board may delegate to the ~~authority~~ treasurer of  
27 state and the ~~authority~~ treasurer of state shall  
28 then have all of the powers of the board which are  
29 necessary to issue and secure bonds and carry out the  
30 purposes of the fund, to the extent provided in the  
31 contract between the board and the ~~authority~~ treasurer  
32 of state. The ~~authority~~ treasurer of state may  
33 issue the ~~authority's~~ treasurer of state's bonds  
34 in principal amounts which, in the opinion of the  
35 board, are necessary to provide sufficient funds for  
36 the fund, the payment of interest on the bonds, the  
37 establishment of reserves to secure the bonds, the  
38 costs of issuance of the bonds, other expenditures  
39 of the ~~authority~~ treasurer of state incident to and  
40 necessary or convenient to carry out the bond issue  
41 for the fund, and all other expenditures of the board  
42 necessary or convenient to administer the fund.  
43 The bonds are investment securities and negotiable  
44 instruments within the meaning of and for purposes of  
45 the uniform commercial code, chapter 554.

46 8. Bonds issued under this section are payable  
47 solely and only out of the moneys, assets, or revenues  
48 of the fund, all of which may be deposited with  
49 trustees or depositories in accordance with bond  
50 or security documents and pledged by the board to

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1 the payment thereof, and are not an indebtedness  
2 of this state ~~or the authority~~, or a charge against  
3 the general credit or general fund of the state ~~or~~  
4 ~~the authority~~, and the state shall not be liable for  
5 any financial undertakings with respect to the fund.  
6 Bonds issued under this chapter shall contain on their  
7 face a statement that the bonds do not constitute an  
8 indebtedness of the state ~~or the authority~~.

9 9. The proceeds of bonds issued by the  
10 ~~authority~~ treasurer of state and not required for  
11 immediate disbursement may be deposited with a trustee  
12 or depository as provided in the bond documents  
13 and invested in any investment approved by the  
14 ~~authority~~ treasurer of state and specified in the trust  
15 indenture, resolution, or other instrument pursuant  
16 to which the bonds are issued without regard to any  
17 limitation otherwise provided by law.

18 Sec. 21. Section 455G.6, subsection 10, paragraph  
19 b, Code Supplement 2009, is amended to read as follows:

20 b. Negotiable instruments under the laws of  
21 the state and may be sold at prices, at public or  
22 private sale, and in a manner, as prescribed by the  
23 ~~authority~~ treasurer of state. Chapters 73A, 74, 74A  
24 and 75 do not apply to their sale or issuance of the  
25 bonds.

26 Sec. 22. Section 455G.6, subsection 12, Code  
27 Supplement 2009, is amended to read as follows:

28 12. Bonds must be authorized by a trust  
29 indenture, resolution, or other instrument of the  
30 ~~authority~~ treasurer of state, approved by the board.  
31 However, a trust indenture, resolution, or other  
32 instrument authorizing the issuance of bonds may  
33 delegate to an officer of the issuer the power to  
34 negotiate and fix the details of an issue of bonds.

35 Sec. 23. Section 455G.7, Code Supplement 2009, is  
36 amended to read as follows:

37 455G.7 Security for bonds — capital reserve fund —  
38 irrevocable contracts.

39 1. a. For the purpose of securing one or more  
40 issues of bonds for the fund, the ~~authority~~ treasurer  
41 of state, with the approval of the board, may authorize  
42 the establishment of one or more special funds, called  
43 “capital reserve funds”. The ~~authority~~ treasurer  
44 of state may pay into the capital reserve funds the  
45 proceeds of the sale of its bonds and other money  
46 which may be made available to the ~~authority~~ treasurer  
47 of state from other sources for the purposes of the  
48 capital reserve funds. Except as provided in this  
49 section, money in a capital reserve fund shall be used  
50 only as required for any of the following:

Page 11

1 ~~a.~~ (1) The payment of the principal of and  
2 interest on bonds or of the sinking fund payments with  
3 respect to those bonds.  
4 ~~b.~~ (2) The purchase or redemption of the bonds.  
5 ~~c.~~ (3) The payment of a redemption premium  
6 required to be paid when the bonds are redeemed before  
7 maturity.  
8 b. However, money in a capital reserve fund shall  
9 not be withdrawn if the withdrawal would reduce the  
10 amount in the capital reserve fund to less than the  
11 capital reserve fund requirement, except for the  
12 purpose of making payment, when due, of principal,  
13 interest, redemption premiums on the bonds, and making  
14 sinking fund payments when other money pledged to the  
15 payment of the bonds is not available for the payments.  
16 Income or interest earned by, or increment to, a  
17 capital reserve fund from the investment of all or part  
18 of the capital reserve fund may be transferred by the  
19 ~~authority~~ treasurer of state to other accounts of the  
20 fund if the transfer does not reduce the amount of the  
21 capital reserve fund below the capital reserve fund  
22 requirement.  
23 2. If the ~~authority~~ treasurer of state decides  
24 to issue bonds secured by a capital reserve fund,  
25 the bonds shall not be issued if the amount in the  
26 capital reserve fund is less than the capital reserve  
27 fund requirement, unless at the time of issuance of  
28 the bonds the ~~authority~~ treasurer of state deposits  
29 in the capital reserve fund from the proceeds of the  
30 bonds to be issued or from other sources, an amount  
31 which, together with the amount then in the capital  
32 reserve fund, is not less than the capital reserve fund  
33 requirement.  
34 3. In computing the amount of a capital reserve  
35 fund for the purpose of this section, securities in  
36 which all or a portion of the capital reserve fund  
37 is invested shall be valued by a reasonable method  
38 established by the ~~authority~~ treasurer of state.  
39 Valuation shall include the amount of interest earned  
40 or accrued as of the date of valuation.  
41 4. In this section, "capital reserve fund  
42 requirement" means the amount required to be on  
43 deposit in the capital reserve fund as of the date of  
44 computation.  
45 5. To assure maintenance of the capital reserve  
46 funds, the ~~authority~~ treasurer of state shall, on  
47 or before July 1 of each calendar year, make and  
48 deliver to the governor the ~~authority's~~ treasurer of  
49 state's certificate stating the sum, if any, required  
50 to restore each capital reserve fund to the capital

Page 12

1 reserve fund requirement for that fund. Within  
2 thirty days after the beginning of the session of the  
3 general assembly next following the delivery of the  
4 certificate, the governor may submit to both houses  
5 printed copies of a budget including the sum, if any,  
6 required to restore each capital reserve fund to the  
7 capital reserve fund requirement for that fund. Any  
8 sums appropriated by the general assembly and paid  
9 to the authority treasurer of state pursuant to this  
10 section shall be deposited in the applicable capital  
11 reserve fund.

12 6. All amounts paid by the state pursuant to this  
13 section shall be considered advances by the state and,  
14 subject to the rights of the holders of any bonds of  
15 the authority treasurer of state that have previously  
16 been issued or will be issued, shall be repaid to the  
17 state without interest from all available revenues of  
18 the fund in excess of amounts required for the payment  
19 of bonds of the authority treasurer of state, the  
20 capital reserve fund, and operating expenses.

21 7. If any amount deposited in a capital reserve  
22 fund is withdrawn for payment of principal, premium,  
23 or interest on the bonds or sinking fund payments with  
24 respect to bonds thus reducing the amount of that fund  
25 to less than the capital reserve fund requirement, the  
26 authority treasurer of state shall immediately notify  
27 the governor and the general assembly of this event and  
28 shall take steps to restore the capital reserve fund  
29 to the capital reserve fund requirement for that fund  
30 from any amounts designated as being available for such  
31 purpose.

32 Sec. 24. Section 455G.8, subsection 2, Code 2009,  
33 is amended to read as follows:

34 2. Statutory allocations fund. The moneys  
35 credited from the statutory allocations fund under  
36 section 321.145, subsection 2, paragraph "a", shall  
37 be allocated, consistent with this chapter, among  
38 the fund's accounts, for debt service and other fund  
39 expenses, according to the fund budget, resolution,  
40 trust agreement, or other instrument prepared or  
41 entered into by the board or authority treasurer of  
42 state under direction of the board.

43 Sec. 25. REPEAL. Section 16.151, Code 2009, is  
44 repealed.

45 Sec. 26. REPEAL. 1989 Iowa Acts, chapter 131,  
46 section 63, as amended by 2009 Iowa Acts, chapter 184,  
47 section 39, is repealed.

48 Sec. 27. EFFECTIVE UPON ENACTMENT. This division  
49 of this Act, being deemed of immediate importance,  
50 takes effect upon enactment.>

Page 13

- 1 2. Title page, line 2, after <fund> by inserting
- 2 <and including effective date and retroactive
- 3 applicability provisions>
- 4 3. By renumbering as necessary.

MICHAEL E. GRONSTAL

**S-5312**

- 1 Amend Senate File 2315 as follows:
- 2 1. By striking everything after the enacting clause
- 3 and inserting:
- 4 <Section 1. Section 321.463, subsection 5,
- 5 paragraph c, Code Supplement 2009, is amended to read
- 6 as follows:
- 7 c. (1) The maximum gross weight allowed to be
- 8 carried on a ~~livestock or construction~~ commercial
- 9 motor vehicle, other than a special truck, on
- 10 noninterstate highways, provided the vehicle is
- 11 operated by a person with a commercial driver's license
- 12 valid for the vehicle operated unless section 321.176A
- 13 applies, is as follows:

NONINTERSTATE HIGHWAYS  
MAXIMUM GROSS WEIGHT TABLE  
~~LIVESTOCK OR CONSTRUCTION~~ COMMERCIAL MOTOR VEHICLE

17 Distance		
18 in feet	6 Axles	7 Axles
20 44	80,500	80,500
21 45	81,000	81,500
22 46	81,500	82,500
23 47	82,000	83,500
24 48	83,000	84,000
25 49	83,500	85,000
26 50	84,000	86,000
27 51	84,500	87,000
28 52	85,000	88,000
29 53	86,000	88,500
30 54	86,500	89,500
31 55	87,000	90,500
32 56	87,500	91,500
33 57	88,000	92,000
34 58	89,000	93,000
35 59	89,500	94,000
36 60	90,000	95,000
37 61		95,500
38 62		96,000

- 39 (2) Notwithstanding any provision of this section
- 40 to the contrary, the maximum gross weight allowed to
- 41 be carried on a noninterstate highway by a livestock



42 vehicle with five axles, a minimum distance in feet  
 43 between the centers of the first and fifth axles of  
 44 sixty-one feet, and a minimum distance between the  
 45 two rear axles of at least eight feet and one inch is  
 46 eighty-six thousand pounds.>  
 47 2. Title page, by striking lines 1 through 2 and  
 48 inserting <An Act concerning weight limits for certain  
 49 commercial motor vehicles on>  
 50 3. By renumbering as necessary.

RICH OLIVE  
 BILL HECKROTH  
 TIM L. KAPUCIAN

### S-5313

1 Amend House File 2526, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 34, after line 27 by inserting:  
 4 <The Iowa Medicaid enterprise shall require that  
 5 in any procurement or reprocurement of a contract to  
 6 provide program eligibility services, procedures shall  
 7 be implemented to ensure that eligibility information  
 8 provided by an applicant or recipient is independently  
 9 verified or supported by sufficient documentation to  
 10 prevent an ineligible individual from receiving medical  
 11 assistance program benefits.>

DAVID JOHNSON

### S-5314

1 Amend House File 2193, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 3, by striking lines 34 and 35 and  
 4 inserting <association of counties. The council  
 5 shall also include at least two at-large members who  
 6 are volunteer emergency medical care providers and a  
 7 representative of a private service program.>  
 8 2. By striking page 5, line 34, through page 8,  
 9 line 14, and inserting:  
 10 <3. The department may deny an application for  
 11 authorization, or may place on probation, suspend, or  
 12 revoke the authorization of, or otherwise discipline  
 13 a service program with an existing authorization  
 14 if the department finds ~~reason to believe that~~ the  
 15 service program has not been or will not be operated  
 16 in compliance with this subchapter and the rules  
 17 adopted pursuant to this subchapter, or that there  
 18 is insufficient assurance of adequate protection  
 19 for the public. The authorization denial or period  
 20 of probation, suspension, or revocation, or other

21 disciplinary action shall be effected and may be  
 22 appealed as provided by section 17A.12.>  
 23 3. Page 12, by striking lines 3 through 14 and  
 24 inserting:  
 25 <3. The department may deny an application for  
 26 authorization, or may place on probation, suspend or  
 27 revoke the authorization of, or otherwise discipline  
 28 a training program with an existing authorization if  
 29 the department finds reason to believe the program has  
 30 not been or will not be operated in compliance with  
 31 this subchapter and the rules adopted pursuant to this  
 32 subchapter, or that there is insufficient assurance of  
 33 adequate protection for the public. The authorization  
 34 denial, period of probation, suspension, or revocation,  
 35 or other disciplinary action shall be effected and may  
 36 be appealed as provided by section 17A.12.>  
 37 4. By renumbering as necessary.

JEFF DANIELSON

**S-5315**

1 Amend the House amendment, S-5291, to Senate File  
 2 2367, as amended, passed, and reprinted by the Senate,  
 3 as follows:  
 4 1. Page 1, by striking lines 3 and 4.  
 5 2. Page 1, by striking lines 6 through 10 and  
 6 inserting:  
 7 <\_\_. Page 8, by striking line 34 and inserting:  
 8 <..... \$ 2,064,471>  
 9 \_\_. Page 9, by striking line 12 and inserting:  
 10 <..... \$ 127,167>  
 11 \_\_. Page 9, by striking line 17 and inserting:  
 12 <..... \$ 70,783 >>  
 13 3. Page 1, by striking lines 12 and 13 and  
 14 inserting:  
 15 <\_\_. Page 16, by striking line 20 and inserting  
 16 <..... \$ 4,997,742 >>  
 17 4. Page 1, by striking lines 16 and 17 and  
 18 inserting:  
 19 <\_\_. Page 22, by striking lines 25 and 26 and  
 20 inserting <information technology under ~~a~~ an existing  
 21 competitively procured contract let by another ~~agency~~>  
 22 \_\_. Page 22, line 27, by striking <or other> and  
 23 inserting <~~or other~~>  
 24 \_\_. Page 22, line 29, after <entity.> by inserting  
 25 <The department, on its own behalf or on the behalf of  
 26 another participating agency or governmental entity,  
 27 may also procure information technology by leveraging  
 28 an existing competitively procured contract, or other  
 29 than a contract associated with the state board of  
 30 regents or an institution under the control of the

- 31 state board of regents.>>  
 32 5. By striking page 1, line 19, through page 6,  
 33 line 22, and inserting <line 10.>  
 34 6. Page 7, line 26, by striking <1.>  
 35 7. Page 7, line 32, by striking <a.> and inserting  
 36 <1.>  
 37 8. Page 7, line 37, by striking <b.> and inserting  
 38 <2.>  
 39 9. Page 7, line 42, by striking <c.> and inserting  
 40 <3.>  
 41 10. Page 7, line 45, by striking <d.> and inserting  
 42 <4.>  
 43 11. Page 7, line 49, by striking <e.> and inserting  
 44 <5.>  
 45 12. Page 8, by striking lines 1 through 34.  
 46 13. By renumbering as necessary.

JEFF DANIELSON

**S-5316**

HOUSE AMENDMENT TO  
 SENATE FILE 2354

- 1 Amend Senate File 2354, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 3, line 22, by striking <publicly traded>  
 4 2. Page 4, line 1, by striking <one hundred> and  
 5 inserting <~~one hundred~~ seven hundred fifty>  
 6 3. Page 4, by striking lines 17 through 21 and  
 7 inserting <statement.>  
 8 4. Page 4, line 32, after <certification> by  
 9 inserting <by an officer of the corporation>  
 10 5. Page 5, line 7, after <retained> by inserting  
 11 <within the prior six months>  
 12 6. By striking page 5, line 31, through page 6,  
 13 line 1, and inserting:  
 14 <b. (1) Except as set out in subsection 2,  
 15 published material designed to expressly advocate the  
 16 nomination, election, or defeat of a candidate for  
 17 public office or the passage or defeat of a ballot  
 18 issue shall include on the published material an  
 19 attribution statement disclosing who is responsible for  
 20 the published material.  
 21 (2) The person who is responsible for the published  
 22 material has the sole responsibility and liability for  
 23 the attribution statement required by this section.>  
 24 7. Page 6, by striking lines 29 and 30 and  
 25 inserting:  
 26 <a. The editorials or news articles of a  
 27 newspaper, ~~or~~ magazine, television station, or other  
 28 print or electronic media that are not paid political

29 advertisements.>

30 8. Page 7, line 31, after <officers,> by inserting  
31 <professional employees,>

32 9. Page 8, by striking lines 20 through 30 and  
33 inserting:

34 <\_\_. a. The prohibitions in subsections 1 and 2  
35 shall not apply to media organizations when discussing  
36 candidates, nominations, public officers, or public  
37 questions.

38 b. Notwithstanding paragraph “a”, the board shall  
39 adopt rules requiring the owner, publisher, or editor  
40 of a sham newspaper that promotes in any way the  
41 candidacy of a person for any public office to comply  
42 with this section and section 68A.404. As used in  
43 this subsection, “sham newspaper” means a newspaper  
44 publication that is published for the primary purpose  
45 of evading the requirements of this section or section  
46 68A.404, and “owner” means a person having an ownership  
47 interest exceeding ten percent of the equity or profits  
48 of the publication.>

49 10. Page 9, by striking lines 4 through 8.

50 11. By renumbering and correcting internal

Page 2

1 references as necessary.

## S-5317

### HOUSE AMENDMENT TO SENATE FILE 2297

1 Amend Senate File 2297, as passed by the Senate, as  
2 follows:

3 1. Page 2, after line 10 by inserting:

4 <Sec. \_\_\_\_. Section 724.7, Code 2009, is amended to  
5 read as follows:

6 724.7 Nonprofessional permit to carry weapons.

7 1. Any person who can reasonably justify going  
8 armed may be issued a nonprofessional permit to carry  
9 weapons. Such permits shall be on a form prescribed  
10 and published by the commissioner of public safety,  
11 which shall be readily distinguishable from the  
12 professional permit, and shall identify the holder  
13 thereof, and state the reason for the issuance of the  
14 permit, and the limits of the authority granted by such  
15 permit. All permits so issued shall be for a definite  
16 period as established by the issuing officer, but in no  
17 event shall exceed a period of twelve months, except as  
18 provided in subsection 2.

19 2. The commissioner of public safety shall  
20 develop a process to allow service members deployed

21 for military service to submit a renewal of a  
22 nonprofessional permit to carry weapons early and by  
23 mail. In addition, a permit issued to a service member  
24 who is deployed for military service, as defined in  
25 section 29A.90, that would otherwise expire during the  
26 period of deployment shall remain valid for ninety days  
27 after the end of the service member's deployment.>  
28 2. Title page line 3, after <service,> by inserting  
29 <weapons permit renewals,>  
30 3. By renumbering as necessary.

## S-5318

1 Amend House File 2526, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 4, line 14, by striking <(1)>  
4 2. Page 4, after line 16 by inserting:  
5 <(1) Of the funds allocated in this lettered  
6 paragraph, \$756,613 shall be used for the public  
7 purpose of a grant program to provide substance abuse  
8 prevention programming for children.  
9 (a) Of the funds allocated in this subparagraph,  
10 \$355,000 shall be utilized for the public purpose  
11 of providing grant funding for organizations that  
12 provide programming for children by utilizing mentors.  
13 Programs approved for such grants shall be certified  
14 or will be certified within six months of receiving  
15 the grant award by the Iowa commission on volunteer  
16 services as utilizing the standards for effective  
17 practice for mentoring programs.  
18 (b) Of the funds allocated in this subparagraph,  
19 \$360,000 shall be utilized for the public purpose  
20 of providing grant funding for organizations that  
21 provide programming that includes youth development  
22 and leadership. The programs shall also be recognized  
23 as being programs that are scientifically based with  
24 evidence of their effectiveness in reducing substance  
25 abuse in children.  
26 (c) The Iowa department of public health shall  
27 utilize a request for proposals process to implement  
28 the grant program.  
29 (d) All grant recipients shall participate in a  
30 program evaluation as a requirement for receiving grant  
31 funds.  
32 (e) Of the funds allocated for the grant program,  
33 \$41,613 shall be used to administer substance abuse  
34 prevention grants and for program evaluations.>  
35 3. Page 7, line 6, by striking <3,522,313> and  
36 inserting <3,572,313>  
37 4. Page 7, line 19, by striking <\$489,868> and  
38 inserting <\$539,868>  
39 5. Page 8, by striking lines 3 and 4 and inserting

40 <disorders.>

41 6. Page 13, line 22, by striking <3,212,987> and  
42 inserting <3,287,987>

43 7. Page 13, line 29, by striking <\$209,229> and  
44 inserting <\$234,229>

45 8. Page 14, after line 4 by inserting:

46 <d. Of the funds appropriated in this subsection,  
47 \$50,000 shall be used for education, testing, training,  
48 and other costs to conform the requirements for  
49 certification of emergency medical care providers with  
50 national standards.>

Page 2

1 9. Page 19, line 9, by striking <115-5> and  
2 inserting <111-5>

3 10. Page 19, by striking lines 15 through 17 and  
4 inserting <in the following priority order: the family  
5 investment program for the fiscal year and for state  
6 child care assistance program>

7 11. By striking page 19, line 24, through page 20,  
8 line 11.

9 12. Page 20, line 12, by striking <c.> and  
10 inserting <b.>

11 13. Page 20, line 16, by striking <d.> and  
12 inserting <c. For the purposes of this lettered  
13 paragraph, "employment and training-related programs"  
14 means summer youth programs and other employment and  
15 training-related programs, as allowed by federal law,  
16 that are administered by the department of workforce  
17 development.>

18 14. Page 20, line 17, by striking <summer  
19 youth programs> and inserting <employment and  
20 training-related programs>

21 15. Page 20, lines 22 and 23, by striking <summer  
22 youth employment programs> and inserting <employment  
23 and training-related programs>

24 16. Page 20, line 32, by striking <115-5> and  
25 inserting <111-5>

26 17. Page 20, by striking lines 33 and 34 and  
27 inserting <collaboration shall be for the purpose of  
28 securing emergency contingency funds to subsidize the  
29 administrative costs and wages>

30 18. Page 20, line 35, through page 21, line 1,  
31 by striking <summer youth employment program> and  
32 inserting <employment and training-related programs>

33 19. Page 21, line 2, after <wages> by inserting <,  
34 administrative costs, and other costs of the employment  
35 and training-related programs>

36 20. Page 21, line 4, by striking <115-5> and  
37 inserting <111-5>

38 21. Page 21, by striking lines 10 through 12 and

39 inserting <workforce development to be used for the  
40 purpose of covering administrative costs and the costs  
41 of wages and other costs relating to the employment and  
42 training-related programs administered by the>

43 22. Page 21, by striking line 19 and inserting <of  
44 administrative costs and the costs of wages and other  
45 federally allowed costs relating to the employment  
46 and training-related programs that are eligible for  
47 reimbursement under the terms>

48 23. Page 21, line 21, by striking <115-5> and  
49 inserting <111-5>

50 24. Page 25, after line 34 by inserting:

Page 3

1 <4. Of the funds appropriated in this section,  
2 \$200,000 shall be used for continuation of a grant to  
3 an Iowa-based nonprofit organization with a history  
4 of providing tax preparation assistance to low-income  
5 Iowans in order to expand the usage of the earned  
6 income tax credit. The purpose of the grant is to  
7 supply this assistance to underserved areas of the  
8 state.>

9 25. Page 27, line 25, by striking <418,921,344> and  
10 inserting <412,546,344>

11 26. Page 28, line 33, by striking <diagnosis> and  
12 inserting <diagnostic>

13 27. Page 31, line 28, after <inpatient> by  
14 inserting <and outpatient>

15 28. Page 33, after line 35 by inserting:

16 <24. a. The department of human services shall  
17 amend the medical assistance waiver for the Iowa family  
18 planning network to continue the current waiver with  
19 the following modifications which provide for all of  
20 the following:

21 (1) Coverage for women who meet all of the  
22 following criteria:

23 (a) Are uninsured or have health insurance coverage  
24 that does not include coverage for benefits provided  
25 under the Iowa family planning network.

26 (b) Have income of up to 300 percent of the federal  
27 poverty level.

28 (c) Are under 55 years of age.

29 (2) Coverage of pregnancy prevention services for  
30 men who meet the income, age, and insurance coverage  
31 specifications described in subparagraph (1).

32 b. Implementation of this section is contingent  
33 upon approval of the medical assistance waiver for  
34 the Iowa family planning network by the centers for  
35 Medicare and Medicaid services of the United States  
36 department of health and human services and upon  
37 availability of funding as determined by the director

38 of the department of human services.

39 c. Of the funds appropriated in this section,  
40 \$25,000 shall be used for administrative costs for  
41 renewal and modification of the Iowa family planning  
42 network waivers as provided in this subsection.>

43 29. Page 38, line 26, by striking <6,977,599> and  
44 inserting <7,777,599>

45 30. Page 38, line 32, by striking <10,851,062> and  
46 inserting <11,001,062>

47 31. Page 41, line 13, after <subsection 7.> by  
48 inserting <An appropriate amount of the funds allocated  
49 in this subsection may be used for wraparound and  
50 emergency services to prevent the need for shelter care

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1 services, including such services for children who have  
2 an immediate need for shelter care services but are  
3 ineligible due to income, status, or other requirement.  
4 The funding shall be expended by providers in a manner  
5 that does not impinge upon the availability of beds for  
6 eligible children.>

7 32. Page 45, after line 16 by inserting:  
8 <\_\_. Of the funds appropriated in this section,  
9 at least \$211,721 shall be used for the child welfare  
10 training academy.>

11 33. Page 50, line 21, by striking <10,295,207> and  
12 inserting <11,345,207>

13 34. Page 54, line 9, by striking <53,207,624> and  
14 inserting <56,207,624>

15 35. Page 54, line 22, by striking <15,352,271> and  
16 inserting <16,602,271>

17 36. Page 54, after line 29 by inserting:  
18 <3. Of the funds appropriated in this section,  
19 \$500,000 shall be used for implementation activities  
20 necessary to conform the Medicaid and related human  
21 services programs to enactment of federal health care  
22 coverage reforms. The department and the general  
23 assembly's legislative health care coverage commission  
24 shall work collaboratively and share resources in  
25 addressing changes of the state's public and private  
26 health coverage systems necessitated by the federal  
27 reforms.

28 4. Of the funds appropriated in this section,  
29 \$150,000 shall be used to implement a program to  
30 provide technical assistance, support, and consultation  
31 to providers of habilitation services and home and  
32 community-based waiver services for adults with  
33 disabilities under the medical assistance program.  
34 Notwithstanding chapter 8A, subchapter III, or  
35 any other provision of law to the contrary, the  
36 department shall contract with a statewide organization



37 representing providers of such services to provide the  
38 program.

39 5. Of the funds appropriated in this section,  
40 \$200,000 shall be used to expand the provision of  
41 nationally accredited and recognized internet-based  
42 training to include mental health and disability  
43 services providers.>

44 37. Page 73, line 11, by striking <8,500,000> and  
45 inserting <13,900,000>

46 38. Page 73, by striking line 12 and inserting:  
47 <1. Of the funds appropriated in this section,  
48 \$7,500,000 shall be used for>

49 39. Page 74, by striking lines 1 through 17 and  
50 inserting:

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1 <1. To the department of public health:  
2 ..... \$ 635,000

3 a. Of the funds appropriated in this subsection,  
4 \$500,000 is allocated for addictive disorders to be  
5 used for substance abuse treatment and prevention.

6 b. Of the funds appropriated in this subsection,  
7 \$35,000 is allocated for chronic conditions to be used  
8 as follows:

9 (1) \$20,000 shall be used for grants to individual  
10 patients who have phenylketonuria (PKU) to assist with  
11 the costs of necessary special foods.

12 (2) \$15,000 shall be used for child health  
13 specialty clinics.

14 c. Of the funds appropriated in this subsection,  
15 \$100,000 is allocated for public protection to be used  
16 for the state poison control center.>

17 40. Page 76, by striking line 16 and inserting  
18 <trust fund, the health care trust fund, and the  
19 quality assurance trust fund, are in excess of>

20 41. Page 81, line 9, by striking <5> and inserting  
21 <4>

22 42. Page 81, line 11, by striking <5> and inserting  
23 <4>

24 43. Page 81, line 17, by striking <"a"> and  
25 inserting <"d">

26 44. Page 82, after line 27 by inserting:  
27 <CHILD WELFARE DECATEGORIZATION  
28 FY 2008-2009 NONREVERSION

29 Sec. \_\_. 2008 Iowa Acts, chapter 1187, section 16,  
30 subsection 5, is amended by adding the following new  
31 unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. Notwithstanding section  
33 232.188, subsection 5, moneys from the allocations made  
34 in this subsection or made from any other source for  
35 the decategorization of child welfare and juvenile

36 justice funding initiative under section 232.188,  
37 that are designated as carryover funding that remain  
38 unencumbered or unobligated at the close of the fiscal  
39 year beginning July 1, 2009, following the transfer  
40 made pursuant to 2010 Iowa Acts, Senate File 2366,  
41 section 19, if enacted, shall not revert but shall  
42 be used until the close of the fiscal year beginning  
43 July 1, 2010, as follows: the first \$1,925,000 shall  
44 be used to restore up to half of the reimbursement  
45 rate reduction applied to adoption, family foster  
46 care, group foster care, and supervised apartment  
47 living services providers to implement appropriations  
48 reductions applied pursuant to executive order number  
49 19 issued October 8, 2009, and the remainder shall be  
50 used for the purposes of continuing the initiative in

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1 the fiscal year.>  
2 45. Page 88, line 35, by striking <a. (1)> and  
3 inserting <a. For the purposes of this subsection,  
4 "employment and training-related programs" means  
5 summer youth programs and other employment and  
6 training-related programs, as allowed by federal law,  
7 that are administered by the department of workforce  
8 development.>  
9 46. Page 89, line 1, by striking <summer  
10 youth programs> and inserting <employment and  
11 training-related programs>  
12 47. Page 89, line 7, by striking <summer youth  
13 employment programs> and inserting <employment and  
14 training-related programs>  
15 48. Page 89, line 10, by striking <lettered  
16 paragraph> and inserting <subsection>  
17 49. Page 89, line 11, by striking <(2)> and  
18 inserting <b.>  
19 50. Page 89, by striking lines 17 through 21 and  
20 inserting <collaboration shall be for the purpose of  
21 securing emergency contingency funds to subsidize  
22 the administrative costs and wages paid on behalf  
23 of individuals participating in the employment and  
24 training-related programs and administered by the  
25 department of workforce development. Such costs shall  
26 be eligible for>  
27 51. Page 89, line 27, by striking <(3)> and  
28 inserting <c.>  
29 52. Page 89, by striking lines 29 through 31 and  
30 inserting <workforce development for the purpose of  
31 covering the administrative costs and wages paid on  
32 behalf of individuals participating in the employment  
33 and training-related programs administered by the>  
34 53. Page 90, line 11, by striking <(4)> and

35 inserting <d.>

36 54. Page 90, after line 29 by inserting:

37 <FEDERAL CHILD CARE AND DEVELOPMENT BLOCK GRANT  
38 FEDERAL FISCAL YEAR 2009–2010

39 Sec. \_\_\_\_ CHILD CARE AND DEVELOPMENT  
40 APPROPRIATION. There is appropriated from the  
41 fund created by section 8.41 to the department of human  
42 services for the federal fiscal year beginning October  
43 1, 2009, and ending September 30, 2010, the following  
44 amount:

45 ..... \$ 15,755,256

46 Funds appropriated in this section are the  
47 additional funding anticipated to be received from the  
48 federal government under the federal American Recovery  
49 and Reinvestment Act of 2009 for the federal child care  
50 and development block grant, and include the allocation

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1 made from the funds for infant and toddler care quality  
2 in 2009 Iowa Acts, chapter 183, section 62. The  
3 department shall expend the remainder of the funds  
4 appropriated in this section for the state child care  
5 assistance program under section 237A.13, as provided  
6 in the federal law making the funds available and in  
7 conformance with chapter 17A.>

8 55. Page 90, after line 29 by inserting:

9 <FOOD ESTABLISHMENT INSPECTIONS

10 Sec. \_\_\_\_ FOOD ESTABLISHMENT INSPECTIONS.

11 Notwithstanding any contrary provisions of section  
12 137F.3A or other applicable law, if within ninety  
13 calendar days of the effective date of this division  
14 of this Act a county operating pursuant to a chapter  
15 28E agreement with the department of inspections and  
16 appeals to enforce chapters 137C, 137D, and 137F, in a  
17 multicounty area consisting of fifteen or more counties  
18 elects not to renew the agreement for the multicounty  
19 area, and the department has determined that the  
20 quality of service provided by the county has been  
21 acceptable or better, the department shall enter into  
22 an agreement with the county for the county to continue  
23 such enforcement activity for the food establishments,  
24 home food establishments, food processing plants, and  
25 hotels located within the county.>

26 56. Page 114, after line 33 by inserting:

27 <Sec. \_\_\_\_ 2010 Iowa Acts, Senate File 2088,  
28 section 399, as enacted, is amended to read as follows:  
29 SEC. 399 REPEAL. Sections 135.28, ~~135N.1, 135N.2,~~  
30 ~~135N.3, 135N.4, 135N.5, 135N.6,~~ and 142C.16, Code 2009,  
31 are repealed.>

32 57. By renumbering as necessary.

**S-5319**

1 Amend House File 2526, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 21, after line 32 by inserting:  
 4 <(5) The department of workforce development  
 5 regional advisory boards shall make every effort to  
 6 implement a competitive bidding process seeking one  
 7 or more qualified agencies or other organizations to  
 8 administer summer youth employment programs for their  
 9 areas.>

MATT McCOY

**S-5320**

HOUSE AMENDMENT TO  
 SENATE FILE 2381

1 Amend Senate File 2381, as passed by the Senate, as  
 2 follows:  
 3 1. Page 5, before line 1 by inserting:  
 4 <Sec. \_\_\_\_ Section 321.1, subsection 4, Code  
 5 Supplement 2009, is amended to read as follows:  
 6 4. "All-terrain vehicle" means a motor vehicle  
 7 designed to travel on three or more wheels and designed  
 8 primarily for off-road recreational use ~~but not~~  
 9 ~~including~~. "All-terrain vehicle" includes off-road  
 10 utility vehicles as defined in section 321I.1, but does  
 11 not include farm tractors or equipment, construction  
 12 equipment, forestry vehicles, or lawn and grounds  
 13 maintenance vehicles.>  
 14 2. Page 5, after line 8 by inserting:  
 15 <Sec. \_\_\_\_ Section 321.234A, subsection 1, Code  
 16 2009, is amended by adding the following new paragraph:  
 17 NEW PARAGRAPH. f. The all-terrain vehicle is  
 18 operated on a county roadway in accordance with section  
 19 321I.10, subsection 2, or a city street in accordance  
 20 with section 321I.10, subsection 3.>  
 21 3. Page 6, after line 15 by inserting:  
 22 <Sec. \_\_\_\_ Section 321.445, subsection 3, Code  
 23 2009, is amended to read as follows:  
 24 3. The driver and front seat passengers may be  
 25 each charged separately for improperly used or nonused  
 26 equipment under subsection 2. However, the driver  
 27 shall not be charged for a violation committed by a  
 28 passenger who is fourteen years of age or older unless  
 29 the passenger is unable to properly fasten a seat belt  
 30 due to a temporary or permanent disability. The owner  
 31 of the motor vehicle may be charged for equipment  
 32 violations under subsection 1.>  
 33 4. Page 7, after line 7 by inserting:

34 <Sec. \_\_\_\_\_. Section 321.446, subsection 4, Code  
35 2009, is amended by striking the subsection and  
36 inserting in lieu thereof the following:

37 4. A person who violates this section is guilty  
38 of a simple misdemeanor punishable as a scheduled  
39 violation under section 805.8A, subsection 14,  
40 paragraph "c". Violations shall be charged as follows:

41 a. An operator who transports a passenger under  
42 fourteen years of age in violation of subsection 1 or 2  
43 may be charged with a violation of this section.

44 b. If a passenger fourteen years of age or older is  
45 unable to properly fasten a seatbelt due to a temporary  
46 or permanent disability, an operator who transports  
47 such a person in violation of subsection 2 may be  
48 charged with a violation of this section. Otherwise, a  
49 passenger fourteen years of age or older who violates  
50 subsection 2 shall be charged in lieu of the operator.

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1 c. If a child under fourteen years of age, or a  
2 child fourteen years of age or older who is unable  
3 to fasten a seatbelt due to a temporary or permanent  
4 disability, is being transported in a taxicab in a  
5 manner that is not in compliance with subsection 1 or  
6 2, the parent, legal guardian, or other responsible  
7 adult traveling with the child shall be served with a  
8 citation for a violation of this section in lieu of  
9 the taxicab operator. Otherwise, if a passenger being  
10 transported in the taxicab is fourteen years of age or  
11 older, the citation shall be served on the passenger in  
12 lieu of the taxicab operator.>

13 5. Page 7, after line 7 by inserting:

14 <Sec. \_\_\_\_\_. Section 321I.10, subsections 1, 2,  
15 and 3, Code Supplement 2009, are amended to read as  
16 follows:

17 1. A person shall not operate an all-terrain  
18 vehicle or off-road utility vehicle upon roadways or  
19 highways except as provided in section 321.234A and  
20 this section.

21 2. A registered all-terrain vehicle or off-road  
22 utility vehicle may be operated on the roadways of  
23 that portion of county highways designated by the  
24 county board of supervisors for such use during a  
25 specified period. The county board of supervisors  
26 shall evaluate the traffic conditions on all county  
27 highways and designate roadways on which all-terrain  
28 vehicles or off-road utility vehicles may be operated  
29 for the specified period without unduly interfering  
30 with or constituting an undue hazard to conventional  
31 motor vehicle traffic. In designating such roadways,  
32 the board may authorize all-terrain vehicles and

33 off-road utility vehicles to stop at service stations  
 34 or convenience stores along a designated roadway.  
 35 3. Cities may designate streets under the  
 36 jurisdiction of cities within their respective  
 37 corporate limits which may be used for the ~~sport~~  
 38 ~~of driving~~ operation of registered all-terrain  
 39 vehicles or registered off-road utility vehicles.  
 40 In designating such streets, the city may authorize  
 41 all-terrain vehicles and off-road utility vehicles to  
 42 stop at service stations or convenience stores along  
 43 a designated street.  
 44 Sec. \_\_\_\_ Section 322D.1, subsection 1, Code 2009,  
 45 is amended to read as follows:  
 46 1. "All-terrain vehicle" means ~~the same as defined~~  
 47 ~~in section 321H.1~~ a motor vehicle designed to travel  
 48 on three or more wheels and designed primarily for  
 49 off-road recreational use but not including farm  
 50 tractors or equipment, construction equipment, forestry

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1 vehicles, or lawn and grounds maintenance vehicles.>  
 2 6. By renumbering as necessary.

## S-5321

1 Amend House File 758, as passed by the House, as  
 2 follows:  
 3 1. By striking everything after the enacting clause  
 4 and inserting:  
 5 <Section 1. Section 613.15A, Code 2009, is amended  
 6 to read as follows:  
 7 613.15A Injury to or death of a child.  
 8 A parent of a child, or the parents of a child, or  
 9 an unborn child may recover for the expense and actual  
 10 loss of services, companionship, and society resulting  
 11 from injury to or death of a minor child or an unborn  
 12 child and may recover for the expense and actual loss  
 13 of services, companionship, and society resulting from  
 14 the death of an adult child.  
 15 Sec. 2. NEW SECTION. 613.22 Wrongful death —  
 16 cause of action — unborn child.  
 17 Notwithstanding section 614.1 and any provision of  
 18 chapter 633 to the contrary, a personal representative  
 19 of an estate of an unborn child may file a wrongful  
 20 death action on behalf of an unborn child.>  
 21 2. Title page, line 2, by striking <person> and  
 22 inserting <person, including an unborn child>

MERLIN BARTZ

**S-5322**

- 1 Amend Senate File 2383, as passed by the Senate, as  
2 follows:
- 3 1. Page 5, line 21, after <records> by inserting  
4 <in order to obtain a telephone number and last known  
5 address>
- 6 2. Page 7, by striking line 6.
- 7 3. Page 7, after line 27 by inserting:  
8 <\_\_. Assisting the director of revenue in  
9 preparing the annual budget request related to the  
10 office pursuant to section 8.23.  
11 \_\_\_. Reporting annually to the department of  
12 management and the legislative services agency on  
13 additional full-time equivalent positions added during  
14 the previous fiscal year and the direct and indirect  
15 costs related to adding such full-time equivalent  
16 positions.>
- 17 4. Page 8, after line 3 by inserting:  
18 <5. Personal identifying information or financial  
19 information obtained by the state debt coordinator or a  
20 designee shall not be divulged to any person or entity,  
21 other than to the debtor, unless the information is  
22 used in a matter related to the collection of a debt  
23 obligation owed the state.>
- 24 5. Page 8, by striking lines 12 and 13 and  
25 inserting <where the civil action identified by the  
26 state debt coordinator is filed and sends notice of  
27 the lien to the debtor and to the debtor's attorney or  
28 other representative, if applicable. To be effective  
29 against>
- 30 6. Page 8, line 16, after <representative.> by  
31 inserting <The lien shall only be effective against the  
32 monetary claim in the civil action against which the  
33 lien is filed.>
- 34 7. Page 8, line 30, before <The> by inserting  
35 <The judicial branch shall cooperate with the state  
36 debt coordinator to determine the most efficient way  
37 to identify a debtor who has a claim against a third  
38 party.>
- 39 8. Page 8, line 33, after <state.> by inserting  
40 <The debtor's attorney shall not have the  
41 responsibility to notify the state that a debtor  
42 has filed a civil action against a third party.>
- 43 9. Page 8, line 35, by striking <monetary> and  
44 inserting <actual>
- 45 10. Page 9, by striking lines 5 through 12 and  
46 inserting <of a negotiated settlement or verdict, if  
47 actual notice of the lien has been provided in the  
48 following manner:  
49 a. The mailing and deposit in a United States post  
50 office or public mailing box of the notice, addressed

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1 to the debtor and to the debtor's attorney or other  
2 representative, if applicable, at the location used for  
3 service of original notice.

4 b. The mailing and deposit in a United States post  
5 office or public mailing box of the notice, addressed  
6 to a third party, at the location used for service of  
7 original notice.>

8 11. Page 9, by striking lines 13 through 20 and  
9 inserting:

10 <5. a. Upon resolution of the civil action against  
11 which a lien has been filed and actual notice of the  
12 lien has been given, the court costs and reasonable  
13 attorney fees and expenses, hospital liens filed  
14 pursuant to chapter 582 and other subrogated medical  
15 expenses shall first be deducted from any total  
16 judgment or settlement obtained. At least one-third of  
17 the remaining balance shall then be deducted and paid  
18 to the debtor. From the remaining balance, the state  
19 debt coordinator shall have the authority to negotiate  
20 a settlement of any debt obligation owed the state that  
21 is noted in the lien, including forgiving the entire  
22 balance due, based upon the circumstances of the case,  
23 costs incurred in pursuing the matter, and the element  
24 of the damages awarded. After deducting payments in  
25 accordance with this subsection and negotiating a  
26 settlement of the lien, any payments to satisfy the  
27 lien shall be paid to the state debt coordinator.  
28 The state debt coordinator shall transfer any moneys  
29 collected to the appropriate accounts to satisfy the  
30 debt owed. The state debt coordinator has authority to  
31 file a satisfaction of the lien.

32 b. In circumstances where a lien encompasses  
33 multiple claims by state entities, the priority of  
34 payment made to the state debt coordinator shall first  
35 be a credit against tax due as provided in section  
36 422.73, and the remaining balance shall be distributed  
37 in accordance with section 8A.504, subsection 3.

38 c. During the negotiation process pursuant to  
39 this section the state debt coordinator shall make a  
40 determination whether the amount to be received by the  
41 coordinator under paragraph "a" shall be considered as  
42 full payment of the debt obligation owed the state. If  
43 the state debt coordinator settles any debt obligation  
44 owed the state that is for less than the actual  
45 amount owed the state, the state debt coordinator may  
46 determine that the debt obligation owed the state is  
47 paid in full. If settlement is reached that is for  
48 less than the amount of the debt obligation owed the  
49 state, and the state debt coordinator notifies the  
50 applicable state department, agency, or branch that the



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1 debt obligation is paid in full, the state department,  
2 agency, or branch receiving the notification shall  
3 indicate in the records of the state department,  
4 agency, or branch that the debt obligation owed the  
5 department, agency, or branch is paid in full.>

6 12. Page 9, line 26, by striking <attorney,>

7 13. Page 9, line 28, after <claim.> by inserting  
8 <For purposes of this section, "third party" does not  
9 include a financial institution as defined in section  
10 527.2.>

11 14. Page 9, by striking lines 31 and 32 and  
12 inserting <delinquent court debt obligations defined  
13 pursuant to section 602.8107 and owed the state, except  
14 as provided in subsection 3. "Eligible debt" includes  
15 any interest and>

16 15. Page 9, line 34, by striking <coordinator> and  
17 inserting <state debt coordinator, in consultation with  
18 the other branches of state government.>

19 16. By striking page 9, line 35, through page 10,  
20 line 2, and inserting <program.>

21 17. Page 10, line 9, by striking <321.32A> and  
22 inserting <321A.32A>

23 18. Page 10, line 24, by striking <court> and  
24 inserting <state debt coordinator>

25 19. Page 10, by striking lines 31 through 35.

26 20. Page 11, after line 1 by inserting:

27 <4A. A person paying a delinquent court debt  
28 obligation through an established payment plan  
29 with the clerk of the district court, with the  
30 centralized collection unit of the department of  
31 revenue or its designee, with a county attorney or  
32 the county attorney's designee, or with a private  
33 collection designee, is eligible for the debt  
34 settlement program if the person and debt are eligible  
35 and if the collecting entity is a debt settlement  
36 collection designee as provided in section 421C.4.  
37 The distribution of any moneys collected by the debt  
38 settlement collection designee shall be as provided in  
39 section 421C.4.>

40 21. Page 11, after line 4 by inserting:

41 <\_\_. Payment to the state debt coordinator under  
42 the program shall be provided in a lump sum.>

43 22. Page 11, line 13, by striking <case in which  
44 the debt accrued> and inserting <eligible debt>

45 23. Page 11, line 31, by striking <department of  
46 revenue> and inserting <state debt coordinator>

47 24. Page 12, line 12, by striking <program> and  
48 inserting <program established by the state debt  
49 coordinator>

50 25. Page 13, line 17, by striking <two> and

Page 4

1 inserting <four>  
 2 26. Page 13, line 24, after <collected> by  
 3 inserting <and credited to the county>  
 4 27. Page 14, by striking lines 31 through 34  
 5 and inserting <district court for a period of ~~sixty~~  
 6 days one year. In addition, court debt which>  
 7 28. Page 15, by striking line 4 and inserting <one  
 8 year. If a county attorney has filed with the clerk  
 9 of the district court a full commitment to collect  
 10 delinquent court debt pursuant to subsection 4, the  
 11 court debt in a case shall be assigned after sixty days  
 12 to the county attorney as provided in subsection 4,  
 13 if the court debt in a case has not been placed in an  
 14 established payment plan by the centralized collection  
 15 unit. For all other delinquent court debt not assigned  
 16 to a county attorney pursuant to subsection 4, the  
 17 delinquent court debt shall be assigned to a private  
 18 collection designee as provided in subsection 5, after  
 19 one year, if the delinquent court debt in a case has  
 20 not been placed in an established payment plan by the  
 21 centralized collection unit.>  
 22 29. Page 16, lines 20 and 21, by striking  
 23 <~~sixty one hundred twenty~~ days> and inserting <~~sixty~~  
 24 days one year>  
 25 30. Page 17, by striking lines 2 through 7 and  
 26 inserting:  
 27 <Sec. \_\_\_\_\_. Section 909.3, Code 2009, is amended to  
 28 read as follows:  
 29 909.3 Payment in installments or on a fixed date.  
 30 1. All fines imposed by the court shall be paid on  
 31 the day the fine is imposed, and the person shall be  
 32 instructed to pay such fines with the office of the  
 33 clerk of the district court on the date of imposition.  
 34 2. a. The court may, in its discretion, order a  
 35 fine to be paid in installments, or may fix a date in  
 36 the future which is not more than one hundred twenty  
 37 days from the date the fine is imposed for the payment  
 38 of the fine, whenever it appears that the defendant  
 39 cannot make immediate payment, or should not be made  
 40 to do so.  
 41 For good cause, the court may order that the date  
 42 for payment of the fine be extended beyond one hundred  
 43 twenty days from the date the fine was imposed.  
 44 b. If the court orders the fine to be paid in  
 45 installments, the first installment payment shall be  
 46 made within thirty days of the fine being imposed.  
 47 All other terms and conditions of an installment  
 48 payment plan order pursuant to this section shall be  
 49 established by rule by the judicial branch.>  
 50 31. Page 17, by striking lines 10 and 11 and

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1 inserting <office of the state debt coordinator for a  
2 period beginning September 1, 2010, through November  
3 30, 2010, for any debt obligation eligible>  
4 32. Page 17, line 18, by striking <4, paragraph  
5 "c"> and inserting <4A.>  
6 33. Page 17, line 20, by striking <director of  
7 revenue> and inserting <state debt coordinator>  
8 34. Page 17, line 21, by striking <not more than>  
9 and inserting <an amount equal to>  
10 35. Page 17, after line 22 by inserting:  
11 <\_\_. Payment to the state debt coordinator under  
12 the program shall be provided in a lump sum.>  
13 36. Page 17, line 24, by striking <the agreed upon  
14 percentage> and inserting <an amount equal to fifty  
15 percent>  
16 37. Page 18, line 13, by striking <department of  
17 revenue> and inserting <state debt coordinator>  
18 38. Page 18, line 21, by striking <director> and  
19 inserting <state debt coordinator>  
20 39. Page 18, line 23, by striking <director> and  
21 inserting <state debt coordinator>  
22 40. Page 18, line 34, before <program> by inserting  
23 <debt amnesty>  
24 41. Page 19, line 2, by striking <department of  
25 revenue> and inserting <state debt coordinator>  
26 42. Page 20, line 2, by striking <enacting> and  
27 inserting <amending or enacting>  
28 43. Page 20, line 3, by striking <421C.3 and  
29 421C.4> and inserting <321.40, 321.152, 321.153,  
30 421.17, 421C.3, 421C.4, 422.20, and 422.72>  
31 44. Page 20, after line 3 by inserting:  
32 <Sec. \_\_. EFFECTIVE UPON ENACTMENT. The section  
33 of this Act enacting 421C.1 and the section of this  
34 Act enacting the debt amnesty program, being deemed of  
35 immediate importance, takes effect upon enactment.>

ROBERT E. DVORSKY

### S-5323

1 Amend Senate File 2387 as follows:  
2 1. By striking everything after the enacting clause  
3 and inserting:  
4 <Section 1. Section 423.3, Code Supplement 2009, is  
5 amended by adding the following new subsection:  
6 NEW SUBSECTION. 26A. a. The sales price of  
7 reagents and related accessory equipment to a regional  
8 blood testing facility if all of the following  
9 conditions are met:  
10 (1) The regional blood testing facility is

- 11 registered by the federal food and drug administration.  
 12 (2) The regional blood testing facility performs  
 13 donor testing for other blood centers.  
 14 (3) The regional blood testing facility is located  
 15 in this state on or before January 1, 2011.  
 16 b. This subsection is repealed if a regional blood  
 17 testing facility is not located in this state on or  
 18 before January 1, 2011.>  
 19 2. Title page, lines 2 and 3, by striking  
 20 <laboratory licensed> and inserting <facility  
 21 registered>  
 22 3. By renumbering as necessary.

JOE M. SENG

### S-5324

- 1 Amend House File 758, as passed by the House, as  
 2 follows:  
 3 1. Page 1, line 7, after <person.> by inserting  
 4 <For purposes of this section, "spouse" means a person  
 5 of the opposite sex who is married to the injured or  
 6 dead person at the time of the injury or death.>  
 7 2. Page 1, after line 35 by inserting:  
 8 <3. For purposes of this section, "spouse" means  
 9 a person of the opposite sex who was married to the  
 10 decedent at the time of the decedent's death.>

MERLIN BARTZ

### S-5325

- 1 Amend House File 758, as passed by the House, as  
 2 follows:  
 3 1. Page 1, line 5, after <child> by inserting <  
 4 including an unborn child,>  
 5 2. Page 1, after line 7 by inserting:  
 6 <Sec. \_\_. NEW SECTION. 613.22 Wrongful death —  
 7 cause of action — unborn child.  
 8 Notwithstanding section 614.1 and any provision of  
 9 chapter 633 to the contrary, a personal representative  
 10 of an estate of an unborn child may file a wrongful  
 11 death action on behalf of an unborn child.>  
 12 3. Title page, line 2, by striking <person> and  
 13 inserting <person, including an unborn child>  
 14 4. By renumbering as necessary.

MERLIN BARTZ

**S-5326**HOUSE AMENDMENT TO  
SENATE FILE 2250

1 Amend Senate File 2250, as passed by the Senate, as  
2 follows:

3 1. By striking everything after the enacting clause  
4 and inserting:

5 <Section 1. NEW SECTION. 711.5 Robbery —  
6 application.

7 This chapter does not apply if section 714.3A  
8 applies.

9 Sec. 2. NEW SECTION. 714.3A Aggravated theft.

10 1. A person commits aggravated theft when the  
11 person commits an assault as defined in section  
12 708.1, subsection 1, that is punishable as a simple  
13 misdemeanor under section 708.2, subsection 6, after  
14 the person has removed or attempted to remove property  
15 not exceeding two hundred dollars in value which  
16 has not been purchased from a store or mercantile  
17 establishment, or has concealed such property of  
18 the store or mercantile establishment, either on  
19 the premises or outside the premises of the store or  
20 mercantile establishment.

21 2. a. A person who commits aggravated theft is  
22 guilty of an aggravated misdemeanor.

23 b. A person who commits aggravated theft, and who  
24 has previously been convicted of an aggravated theft,  
25 robbery in the first degree in violation of section  
26 711.2, robbery in the second degree in violation of  
27 section 711.3, or extortion in violation of section  
28 711.4, is guilty of a class "D" felony.

29 3. In determining if a violation is a class "D"  
30 felony offense the following shall apply:

31 a. A deferred judgment entered pursuant to section  
32 907.3 for a violation of any offense specified in  
33 subsection 2 shall be counted as a previous offense.

34 b. A conviction or the equivalent of a deferred  
35 judgment for a violation in any other states under  
36 statutes substantially corresponding to an offense  
37 specified in subsection 2 shall be counted as a  
38 previous offense. The courts shall judicially notice  
39 the statutes of other states which define offenses  
40 substantially equivalent to the offenses specified  
41 in this section and can therefore be considered  
42 corresponding statutes.

43 4. Aggravated theft is not an included offense of  
44 robbery in the first or second degree.

45 Sec. 3. Section 808.12, subsections 1 and 3, Code  
46 2009, are amended to read as follows:

47 1. Persons concealing property as set forth

48 in section 714.3A or 714.5, may be detained and  
 49 searched by a peace officer, person employed in a  
 50 facility containing library materials, merchant, or

Page 2

1 merchant's employee, provided that the detention is  
 2 for a reasonable length of time and that the search is  
 3 conducted in a reasonable manner by a person of the  
 4 same sex and according to subsection 2 of this section.  
 5 3. The detention or search under this section by a  
 6 peace officer, person employed in a facility containing  
 7 library materials, merchant, or merchant's employee  
 8 does not render the person liable, in a criminal or  
 9 civil action, for false arrest or false imprisonment  
 10 provided the person conducting the search or detention  
 11 had reasonable grounds to believe the person detained  
 12 or searched had concealed or was attempting to conceal  
 13 property as set forth in section 714.3A or 714.5.>  
 14 2. Title page, lines 1 and 2, by striking <robbery  
 15 in the third degree> and inserting <aggravated theft>

**S-5327**

HOUSE AMENDMENT TO  
 SENATE FILE 2324

1 Amend Senate File 2324, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, line 22, by striking <thirty business>  
 4 and inserting <business thirty calendar>  
 5 2. Page 3, by striking lines 4 and 5 and inserting  
 6 <of the requirements specified in subsection 1 have  
 7 been met.>  
 8 3. Page 3, line 6, after <sixty> by inserting  
 9 <calendar>  
 10 4. Page 3, by striking lines 13 through 18 and  
 11 inserting:  
 12 <c. The board may assess its costs associated with  
 13 an application or a certificate of franchise authority  
 14 pursuant to the assessment authority contained in  
 15 section 476.10, subsection 1, paragraph "a".>  
 16 5. Page 3, line 22, by striking  
 17 <thirtieth business> and inserting <business ninetieth  
 18 calendar>  
 19 6. Page 4, line 17, after <for the> by inserting  
 20 <remaining>  
 21 7. Page 4, line 35, after <for the> by inserting  
 22 <remaining>  
 23 8. By renumbering, redesignating, and correcting  
 24 internal references as necessary.

**S-5328**

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2459

- 1 Amend the Senate amendment, H-8464, to House File  
2 2459, as passed by the House, as follows:
- 3 1. Page 1, before line 3 by inserting:  
4 <\_\_. Page 2, after line 8 by inserting:  
5 <(16) One member selected by the Iowa drainage  
6 district association. >>
- 7 2. Page 1, line 48, after <watershed.> by  
8 inserting <All political subdivisions within a  
9 watershed must be notified within thirty days prior  
10 to organization of any watershed management authority  
11 within the watershed, and provided the opportunity to  
12 participate.>
- 13 3. Page 2, lines 1 and 2, by striking <county or  
14 a soil and water conservation district> and inserting  
15 <political subdivision>
- 16 4. Page 2, by striking lines 32 through 42 and  
17 inserting:  
18 <2. A board of directors shall consist of one  
19 representative of each participating political  
20 subdivision. This subsection shall not apply if a>  
21 5. Page 3, line 32, by striking <shall> and  
22 inserting <may>
- 23 6. Page 3, lines 32 and 33, by striking <and  
24 cooperate> and inserting <its activities>
- 25 7. By renumbering as necessary.

**S-5329**

- 1 Amend the House amendment, S-5309, to Senate File  
2 2376, as amended, passed, and reprinted by the Senate,  
3 as follows:
- 4 1. Page 4, after line 43 by inserting:  
5 <\_\_. Page 22, after line 29 by inserting:  
6 <Sec. \_\_. Section 261.25, Code Supplement 2009, is  
7 amended by adding the following new subsection:  
8 NEW SUBSECTION. 6. In the case of a qualified  
9 student who was enrolled in an accredited private  
10 institution that was exempt from taxation under section  
11 501(c) of the Internal Revenue Code and that was  
12 purchased by a for-profit institution effective January  
13 8, 2010, and such qualified student continues to be  
14 enrolled in the eligible institution in succeeding  
15 years, the student shall continue to be eligible to  
16 receive funds under subsection 1 without a change in  
17 the student's qualification status. >>
- 18 2. Page 5, before line 5 by inserting:

19 < \_\_. Page 31, after line 21 by inserting:  
 20 < \_\_. The section of this Act enacting section  
 21 261.25, subsection 6, being deemed of immediate  
 22 importance, takes effect upon enactment. >>  
 23 3. By renumbering as necessary.

AMANDA RAGAN  
 MERLIN BARTZ

### S-5330

1 Amend House amendment, S-5309, to Senate File 2376,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. By striking page 2, line 29, through page 4,  
 5 line 16.  
 6 2. Page 4, by striking lines 17 through 21.  
 7 3. Page 4, after line 43 by inserting:  
 8 < \_\_. Page 20, after line 15 by inserting:  
 9 <Sec. \_\_. Section 256I.7, subsection 1, paragraph  
 10 a, as enacted by 2010 Iowa Acts, Senate File 2088,  
 11 section 284, is amended to read as follows:  
 12 a. The early childhood Iowa functions for an area  
 13 shall be performed under the authority of an early  
 14 childhood Iowa area board. The members of an area  
 15 board shall be elected officials or members of the  
 16 public who are not employed by a provider of services  
 17 to or for the area board. In addition, the membership  
 18 of an area board shall include representation from  
 19 early care, education, health, human services,  
 20 business, and faith interests, and at least one parent,  
 21 grandparent, or guardian of a child from zero through  
 22 age five. ~~The education, health, and human services~~  
 23 ~~agencies represented on an area board may receive~~  
 24 ~~funding from the area board.~~  
 25 Sec. \_\_. Section 256I.11, subsection 4, paragraph  
 26 d, as enacted by 2010 Iowa Acts, Senate File 2088,  
 27 section 288, is amended to read as follows:  
 28 d. The moneys distributed from the early childhood  
 29 programs grant account shall be used by early childhood  
 30 Iowa areas for the purposes of enhancing quality  
 31 child care capacity in support of parent capability  
 32 to obtain or retain employment. The moneys shall be  
 33 used with a primary emphasis on low-income families  
 34 and children from zero to age five. Moneys shall be  
 35 provided in a flexible manner and shall be used to  
 36 implement strategies identified by the early childhood  
 37 Iowa area to achieve such purposes. The department  
 38 of ~~management~~ human services may use a portion of the  
 39 funding appropriated to the department under this  
 40 subsection for provision of technical assistance  
 41 and other support to the early childhood Iowa areas



42 developing and implementing strategies with grant  
43 moneys distributed from the account. >>

44 4. Page 4, after line 43 by inserting:

45 <\_\_\_. Page 29, after line 12 by inserting:

46 <Sec. \_\_\_. Section 284A.2, subsection 2, Code

47 Supplement 2009, is amended to read as follows:

48 2. "Beginning administrator" means an individual  
49 serving under an ~~initial~~ administrator license, issued  
50 by the board of educational examiners under chapter

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1 272, who is assuming a position as a school district  
2 ~~administrator principal or superintendent~~ for the first  
3 time.

4 Sec. \_\_\_. Section 284A.5, subsections 3 and 5, Code  
5 2009, are amended to read as follows:

6 3. Each school board shall establish an  
7 administrator mentoring program for all beginning  
8 administrators. The school board may adopt the  
9 model program developed by the department pursuant  
10 to subsection 2. Each school board's beginning  
11 administrator mentoring and induction program shall,  
12 at a minimum, provide for one year of programming to  
13 support the Iowa standards for school administrators  
14 adopted pursuant to section 256.7, subsection 27, and  
15 beginning administrators' professional and personal  
16 needs. Each school board shall develop ~~an initial and~~  
17 implement a beginning administrator mentoring and  
18 induction plan. The plan shall describe the mentor  
19 selection process, describe supports for beginning  
20 administrators, describe program organizational and  
21 collaborative structures, provide a budget, provide  
22 for sustainability of the program, and provide for  
23 program evaluation. The school board employing an  
24 administrator shall determine the conditions and  
25 requirements of an administrator participating in a  
26 program established pursuant to this section. A school  
27 board shall include its plan in the school district's  
28 comprehensive school improvement plan submitted  
29 pursuant to section 256.7, subsection 21.

30 5. By the end of a beginning administrator's  
31 first year of employment, the beginning administrator  
32 may be comprehensively evaluated to determine if  
33 the administrator meets expectations to move to a  
34 standard professional administrator license, where  
35 appropriate. The school district or area education  
36 agency that employs a beginning administrator  
37 shall recommend the beginning administrator for a  
38 standard professional administrator license, where  
39 appropriate, if the beginning administrator is  
40 determined through a comprehensive evaluation to

41 demonstrate competence in the Iowa standards for school  
 42 administrators adopted pursuant to section 256.7,  
 43 subsection 27. A school district or area education  
 44 agency may allow a beginning administrator a second  
 45 year to demonstrate competence in the Iowa standards  
 46 for school administrators if, after conducting a  
 47 comprehensive evaluation, the school district or area  
 48 education agency determines that the administrator  
 49 is likely to successfully demonstrate competence in  
 50 the Iowa standards for school administrators by the

Page 3

1 end of the second year. Upon notification by the  
 2 school district or area education agency, the board  
 3 of educational examiners shall grant a beginning  
 4 administrator who has been allowed a second year  
 5 to demonstrate competence a one-year extension of  
 6 the beginning administrator's initial license. An  
 7 administrator granted a second year to demonstrate  
 8 competence shall undergo a comprehensive evaluation at  
 9 the end of the second year.

10 Sec. \_\_\_\_ Section 284A.6, subsection 2, Code 2009,  
 11 is amended to read as follows:

12 2. In cooperation with the administrator's  
 13 evaluator, the administrator who has a ~~standard~~  
 14 ~~administrator's professional administrator~~ license  
 15 issued by the board of educational examiners pursuant  
 16 to chapter 272 and is employed by a school district  
 17 or area education agency in a school district  
 18 administrative position, shall develop an individual  
 19 administrator professional development plan. The  
 20 purpose of the plan is to promote individual and group  
 21 professional development. The individual plan shall be  
 22 based, at a minimum, on the needs of the administrator,  
 23 the Iowa standards for school administrators adopted  
 24 pursuant to section 256.7, subsection 27, and the  
 25 student achievement goals of the attendance center and  
 26 the school district as outlined in the comprehensive  
 27 school improvement plan.

28 Sec. \_\_\_\_ Section 284A.7, Code 2009, is amended to  
 29 read as follows:

30 284A.7 Evaluation requirements for administrators.  
 31 A school district shall conduct an evaluation of  
 32 an administrator who holds a ~~standard professional~~  
 33 ~~administrator~~ license issued under chapter 272 at  
 34 least once every three years for purposes of assisting  
 35 the administrator in making continuous improvement,  
 36 documenting continued competence in the Iowa standards  
 37 for school administrators adopted pursuant to section  
 38 256.7, subsection 27, or to determine whether the  
 39 administrator's practice meets school district

40 expectations. The review shall include, at a minimum,  
 41 an assessment of the administrator's competence in  
 42 meeting the Iowa standards for school administrators  
 43 and the goals of the administrator's individual  
 44 professional development plan, including supporting  
 45 documentation or artifacts aligned to the Iowa  
 46 standards for school administrators and the individual  
 47 administrator's professional development plan.  
 48 Sec. \_\_\_\_ Section 284A.8, Code Supplement 2009, is  
 49 amended to read as follows:  
 50 284A.8 Beginning administrator mentoring and

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1 induction program — program funds.  
 2 1. To the extent moneys are available, a school  
 3 district shall receive one thousand five hundred  
 4 dollars per beginning administrator participating in  
 5 the program. ~~If the funds appropriated for the program~~  
 6 ~~are insufficient to pay mentors and school districts as~~  
 7 ~~provided in this section, the department shall prorate~~  
 8 ~~the amount distributed to school districts based upon~~  
 9 ~~the amount appropriated.~~ Moneys received by a school  
 10 district pursuant to this section shall be expended  
 11 to provide each mentor with an award of five hundred  
 12 dollars per semester, at a minimum, for participation  
 13 in the school district's beginning administrator  
 14 mentoring and induction program; to implement the plan;  
 15 and to pay any applicable costs of the employer's share  
 16 of contributions to federal social security and the  
 17 Iowa public employees' retirement system or a pension  
 18 and annuity retirement system established under chapter  
 19 294, for such amounts paid by the district.  
 20 2. ~~If the funds appropriated for the program are~~  
 21 ~~insufficient to pay mentors and school districts as~~  
 22 ~~provided in this section, the department shall prorate~~  
 23 ~~the amount distributed to school districts based upon~~  
 24 ~~the amount appropriated. A school district shall give~~  
 25 ~~priority to fully funding the obligation to principal~~  
 26 ~~mentors. Remaining moneys, if any, shall first be~~  
 27 ~~used to fund superintendent mentors and then to fund~~  
 28 ~~other program costs and applicable costs described in~~  
 29 ~~subsection 1.~~ >>  
 30 5. Page 4, after line 50 by inserting:  
 31 < \_\_\_\_ . Page 31, after line 8 by inserting:  
 32 <Sec. \_\_\_\_ . NONPROFIT ORGANIZATIONS — OPEN  
 33 MEETINGS AND OPEN RECORDS INTERIM STUDY COMMITTEE. The  
 34 legislative council is requested to establish an  
 35 interim study committee to study the inclusion under  
 36 the open meetings and open records laws of nonprofit  
 37 organizations that are supported in whole or in part  
 38 with public funds or revenues derived from public fees,

- 39 that were established by, or are operated by, governing  
 40 boards whose memberships were or are substantially  
 41 comprised of state or local elected officials or  
 42 appointees of governmental bodies. The interim study  
 43 committee shall report its findings and recommendations  
 44 to the general assembly not later than December 15,  
 45 2010. >>
- 46 6. Page 5, by striking lines 1 through 4.  
 47 7. Page 5, line 6, by striking <changes to> and  
 48 inserting <a study of>  
 49 8. By renumbering as necessary.

BRIAN SCHOENJAHN

**S-5331**

- 1 Amend Senate File 2385 as follows:  
 2 1. By striking everything after the enacting clause  
 3 and inserting:  
 4 <DIVISION I  
 5 MH/MR/DD SERVICES ALLOWED GROWTH FUNDING — FY  
 6 2011–2012  
 7 Section 1. ADULT MH/MR/DD SERVICES ALLOWED GROWTH  
 8 FUNDING  
 9 — FY 2011–2012. Notwithstanding section 331.439,  
 10 subsection 3, the allowed growth factor adjustment  
 11 for county mental health, mental retardation, and  
 12 developmental disabilities service expenditures  
 13 for the fiscal year beginning July 1, 2011, shall  
 14 be established by statute which shall be enacted  
 15 within thirty calendar days of the convening of the  
 16 Eighty-fourth General Assembly, 2011 Session, on  
 17 January 10, 2011. The governor shall submit to the  
 18 general assembly a recommendation for such allowed  
 19 growth factor adjustment and the amounts of related  
 20 appropriations to the general assembly on or before  
 21 January 11, 2011.  
 22 DIVISION II  
 23 STANDING APPROPRIATIONS  
 24 AND RELATED MATTERS  
 25 Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2011–2012.  
 26 1. For the budget process applicable to the fiscal  
 27 year beginning July 1, 2011, on or before October 1,  
 28 2010, in lieu of the information specified in section  
 29 8.23, subsection 1, unnumbered paragraph 1, and  
 30 paragraph “a”, all departments and establishments of  
 31 the government shall transmit to the director of the  
 32 department of management, on blanks to be furnished  
 33 by the director, estimates of their expenditure  
 34 requirements, including every proposed expenditure, for  
 35 the ensuing fiscal year, together with supporting data  
 36 and explanations as called for by the director of the

37 department of management after consultation with the  
38 legislative services agency.

39 2. The estimates of expenditure requirements  
40 shall be in a form specified by the director of  
41 the department of management, and the expenditure  
42 requirements shall include all proposed expenditures  
43 and shall be prioritized by program or the results to  
44 be achieved. The estimates shall be accompanied by  
45 performance measures for evaluating the effectiveness  
46 of the programs or results.

47 Sec. 3. GENERAL ASSEMBLY.

48 1. The appropriations made pursuant to section  
49 2.12 for the expenses of the general assembly and  
50 legislative agencies for the fiscal year beginning July

Page 2

1 1, 2010, and ending June 30, 2011, are reduced by the  
2 following amount:  
3 ..... \$ 5,939,790

4 2. The budgeted amounts for the general assembly  
5 for the fiscal year beginning July 1, 2010, may be  
6 adjusted to reflect unexpended budgeted amounts from  
7 the previous fiscal year.

8 Sec. 4. LIMITATION OF STANDING APPROPRIATIONS.

9 Notwithstanding the standing appropriations in the  
10 following designated sections for the fiscal year  
11 beginning July 1, 2010, and ending June 30, 2011, the  
12 amounts appropriated from the general fund of the state  
13 pursuant to these sections for the following designated  
14 purposes shall not exceed the following amounts:

15 1. For operational support grants and community  
16 cultural grants under section 99F.11, subsection 3,  
17 paragraph "d", subparagraph (1):  
18 ..... \$ 443,300

19 2. For regional tourism marketing under section  
20 99F.11, subsection 3, paragraph "d", subparagraph (2):  
21 ..... \$ 862,028

22 3. For the center for congenital and inherited  
23 disorders central registry under section 144.13A,  
24 subsection 4, paragraph "a":  
25 ..... \$ 182,044

26 4. For primary and secondary child abuse prevention  
27 programs under section 144.13A, subsection 4, paragraph  
28 "a":  
29 ..... \$ 217,772

30 5. For programs for at-risk children under section  
31 279.51:  
32 ..... \$ 11,493,891

33 The amount of any reduction in this subsection shall  
34 be prorated among the programs specified in section  
35 279.51, subsection 1, paragraphs "a", "b", and "c".

36	6. For payment for nonpublic school transportation		
37	under section 285.2:		
38	.....	\$	7,060,931
39	If total approved claims for reimbursement for		
40	nonpublic school pupil transportation exceed the amount		
41	appropriated in accordance with this subsection, the		
42	department of education shall prorate the amount of		
43	each approved claim.		
44	7. For mental health, mental retardation, and		
45	developmental disabilities services property tax relief		
46	under section 426B.1, subsection 2, as amended in this		
47	division of this Act:		
48	.....	\$	81,199,911
49	8. For the enforcement of chapter 453D relating to		
50	tobacco product manufacturers under section 453D.8:		

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1	.....	\$	19,591
2	9. For the Iowa power fund under section 469.10,		
3	subsection 1:		
4	.....	\$	19,600,000
5	Sec. 5. STATE FOUNDATION AID FOR SCHOOLS — FY		
6	2010–2011.		
7	Notwithstanding the standing appropriation in section		
8	257.16, subsection 1, for state foundation aid for the		
9	fiscal year beginning July 1, 2010, and ending June 30,		
10	2011, the amount appropriated from the general fund of		
11	the state pursuant to that section for the following		
12	designated purpose shall not exceed the following		
13	amount:		
14	For state foundation aid under section 257.16,		
15	subsection 1:		
16	.....	\$	2,494,057,875
17	1. Of the amount designated in this section for		
18	state foundation aid, \$314,894,787 is allocated for		
19	the teacher salary supplements, the professional		
20	development supplements, and the early intervention		
21	supplement in accordance with section 257.10,		
22	subsections 9 through 11, and section 257.37A.		
23	The department of management may adjust the amount		
24	allocated pursuant to this subsection in order to		
25	reflect any differences resulting from the budget		
26	certification process.		
27	2. If the remaining balance of the moneys		
28	designated in this section, after the allocation made		
29	in subsection 1, is less than the amount required to		
30	pay the remainder of state foundation aid pursuant to		
31	section 257.16, subsection 1, the difference shall be		
32	deducted from the payments to each school district and		
33	area education agency in the manner provided in section		
34	257.16, subsection 4.		

35 Sec. 6. INSTRUCTIONAL SUPPORT STATE  
 36 AID. Notwithstanding the standing appropriation  
 37 provided under section 257.20, an appropriation from  
 38 the general fund of the state to the department of  
 39 education for the fiscal year beginning July 1, 2010,  
 40 and ending June 30, 2011, shall not be made for  
 41 purposes of paying instructional support state aid.  
 42 Sec. 7. VETERANS HOME MEDICAL CLINIC. Of moneys  
 43 received on or after July 1, 2009, by the Iowa veterans  
 44 home from the federal government relating to the costs  
 45 to improve and renovate a medical clinic at the home  
 46 in a previous fiscal year, the first \$727,000 shall be  
 47 credited to the general fund of the state on or after  
 48 July 1, 2010.  
 49 Sec. 8. PROPERTY TAX CREDIT FUND — PAYMENTS IN  
 50 LIEU OF GENERAL FUND REIMBURSEMENT.

Page 4

1 1. a. A property tax credit fund shall be created  
 2 in the office of the treasurer of state to be used for  
 3 the purposes of this section.  
 4 b. There is appropriated from the general fund of  
 5 the state to the property tax credit fund created in  
 6 paragraph “a” for the fiscal year beginning July 1,  
 7 2010, and ending June 30, 2011, the sum of \$91,256,037.  
 8 c. Notwithstanding the requirements in section  
 9 8.56, subsections 3 and 4, there is appropriated from  
 10 the cash reserve fund to the property tax credit fund  
 11 created in paragraph “a” for the fiscal year beginning  
 12 July 1, 2010, and ending June 30, 2011, the sum of  
 13 \$54,684,481.  
 14 d. Notwithstanding section 8.33, the surplus  
 15 existing in the property tax credit fund created  
 16 pursuant to 2009 Iowa Acts, chapter 179, section 9, at  
 17 the conclusion of the fiscal year beginning July 1,  
 18 2009, and ending June 30, 2010, is transferred to the  
 19 property tax credit fund created in paragraph “a”.  
 20 2. In lieu of the appropriations in the following  
 21 designated sections, for the fiscal year beginning  
 22 July 1, 2010, and ending June 30, 2011, there is  
 23 appropriated from the property tax credit fund the  
 24 following amounts for the following designated  
 25 purposes:  
 26 a. For reimbursement for the homestead property tax  
 27 credit under section 425.1:  
 28 ..... \$ 87,757,913  
 29 b. For reimbursement for the family farm and  
 30 agricultural land tax credits under sections 425A.1 and  
 31 426.1:  
 32 ..... \$ 32,395,131  
 33 c. For reimbursement for the military service tax

34 credit under section 426A.1A:  
 35 ..... \$ 2,400,000  
 36 d. For implementing the elderly and disabled tax  
 37 credit and reimbursement pursuant to sections 425.16  
 38 through 425.39:  
 39 ..... \$ 23,400,000  
 40 If the director of revenue determines that the  
 41 amount of claims for credit for property taxes due  
 42 pursuant to paragraphs "a", "b", "c", and "d", plus  
 43 the amount of claims for reimbursement for rent  
 44 constituting property taxes paid which are to be  
 45 paid during the fiscal year may exceed the total  
 46 amount appropriated, the director shall estimate the  
 47 percentage of the credits and reimbursements which will  
 48 be funded by the appropriation. The county treasurer  
 49 shall notify the director of the amount of property tax  
 50 credits claimed by June 8, 2010. The director shall

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1 estimate the percentage of the property tax credits and  
 2 rent reimbursement claims that will be funded by the  
 3 appropriation and notify the county treasurer of the  
 4 percentage estimate by June 15, 2010. The estimated  
 5 percentage shall be used in computing for each claim  
 6 the amount of property tax credit and reimbursement for  
 7 rent constituting property taxes paid for that fiscal  
 8 year. If the director overestimates the percentage of  
 9 funding, claims for reimbursement for rent constituting  
 10 property taxes paid shall be paid until they can no  
 11 longer be paid at the estimated percentage of funding.  
 12 Rent reimbursement claims filed after that point in  
 13 time shall receive priority and shall be paid in the  
 14 following fiscal year.

15 Sec. 9. PERFORMANCE OF DUTY. There is appropriated  
 16 from the cash reserve fund created in section 8.56 to  
 17 the executive council for the fiscal year beginning  
 18 July 1, 2010, and ending June 30, 2011, the following  
 19 amount, or so much thereof as is necessary, to be used  
 20 for the purposes designated:

21 For performance of duty by the executive council in  
 22 sections 7D.29 and 29C.20:  
 23 ..... \$ 10,583,628  
 24 The funding from the appropriation made in this  
 25 section shall be utilized before any funding from the  
 26 general fund of the state.

27 Sec. 10. CASH RESERVE FUND APPROPRIATION  
 28 REQUIREMENTS. Section 8.56, subsections 3 and 4, shall  
 29 not apply to any appropriation made in this division or  
 30 any other division of this Act from the cash reserve  
 31 fund created in section 8.56.

32 Sec. 11. CASH RESERVE FUND APPROPRIATION FOR FISCAL



33 YEAR 2010–2011. For the fiscal year beginning July  
 34 1, 2010, and ending June 30, 2011, the appropriation  
 35 to the cash reserve fund provided in section 8.57,  
 36 subsection 1, paragraph “a”, shall not be made.

37 Sec. 12. Section 426B.1, subsections 2 and 3, Code  
 38 2009, are amended to read as follows:

39 2. There is appropriated on July 1 of each fiscal  
 40 year to the property tax relief fund from the general  
 41 fund of the state, ~~ninety five eighty-eight~~ million  
 42 four hundred thousand dollars.

43 ~~3. There is annually appropriated from the property~~  
 44 ~~tax relief fund to the department of human services to~~  
 45 ~~supplement the medical assistance appropriation for the~~  
 46 ~~fiscal year beginning July 1, 1997, and for succeeding~~  
 47 ~~fiscal years, six million six hundred thousand dollars~~  
 48 ~~to be used for the nonfederal share of the costs of~~  
 49 ~~services provided to minors with mental retardation~~  
 50 ~~under the medical assistance program to meet the~~

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1 ~~requirements of section 240A.12, subsection 4. The~~  
 2 ~~appropriation in this subsection shall be charged to~~  
 3 ~~the property tax relief fund prior to the distribution~~  
 4 ~~of moneys from the fund under section 426B.2 and the~~  
 5 ~~amount of moneys available for distribution shall be~~  
 6 ~~reduced accordingly. However, the appropriation in~~  
 7 ~~this subsection shall be considered to be a property~~  
 8 ~~tax relief payment for purposes of the combined amount~~  
 9 ~~of payments required to achieve fifty percent of the~~  
 10 ~~counties' base year expenditures as provided in section~~  
 11 ~~426B.2, subsection 2.~~

#### 12 CASH RESERVE FUND — PERFORMANCE OF DUTY

13 Sec. 13. 2009 Iowa Acts, chapter 179, section  
 14 10, is amended by adding the following new unnumbered  
 15 paragraph:

16 NEW UNNUMBERED PARAGRAPH Notwithstanding section  
 17 8.33, moneys appropriated in this section that remain  
 18 unencumbered or unobligated at the close of the fiscal  
 19 year shall not revert but shall remain available for  
 20 expenditure for the purposes designated until the close  
 21 of the succeeding fiscal year.

22 Sec. 14. EFFECTIVE DATES AND RETROACTIVE  
 23 APPLICABILITY.

24 1. The section of this division of this Act  
 25 providing for crediting of certain moneys received  
 26 by the Iowa veterans home to the general fund of the  
 27 state, being deemed of immediate importance, takes  
 28 effect upon enactment and is retroactively applicable  
 29 to July 1, 2009, and is applicable on and after that  
 30 date.

31 2. The section of this division of this Act

32 creating the property tax credit fund, being deemed of  
33 immediate importance, takes effect upon enactment.

34 3. The section of this division of this Act  
35 amending 2009 Iowa Acts, chapter 179, section 10, being  
36 deemed of immediate importance, takes effect upon  
37 enactment.

#### 38 DIVISION III

#### 39 SALARIES, COMPENSATION, AND RELATED MATTERS

##### 40 Sec. 15. APPOINTED STATE OFFICERS.

41 1. The governor shall establish a salary for  
42 appointed nonelected persons in the executive branch  
43 of state government holding a position enumerated in  
44 and within the salary ranges provided in 2008 Iowa  
45 Acts, chapter 1191, section 14, by considering, among  
46 other items, the experience of the individual in  
47 the position, changes in the duties of the position,  
48 the incumbent's performance of assigned duties, and  
49 subordinates' salaries. However, the attorney general  
50 shall establish the salary for the consumer advocate,

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1 the chief justice of the supreme court shall establish  
2 the salary for the state court administrator, the  
3 ethics and campaign disclosure board shall establish  
4 the salary of the executive director, and the Iowa  
5 public broadcasting board shall establish the salary of  
6 the administrator of the public broadcasting division  
7 of the department of education, each within the salary  
8 range provided in 2008 Iowa Acts, chapter 1191, section  
9 14.

10 2. The governor, in establishing salaries as  
11 provided in this section, shall take into consideration  
12 other employee benefits which may be provided for an  
13 individual including but not limited to housing.

14 3. A person whose salary is established pursuant  
15 to this section and who is a full-time, year-round  
16 employee of the state shall not receive any other  
17 remuneration from the state or from any other source  
18 for the performance of that person's duties unless  
19 the additional remuneration is first approved by the  
20 governor or authorized by law. However, this provision  
21 does not exclude the reimbursement for necessary travel  
22 and expenses incurred in the performance of duties or  
23 fringe benefits normally provided to employees of the  
24 state.

25 Sec. 16. COLLECTIVE BARGAINING AGREEMENTS  
26 FUNDED. The various state departments, boards,  
27 commissions, councils, and agencies, including the  
28 state board of regents, for the fiscal year beginning  
29 July 1, 2010, and ending June 30, 2011, shall provide  
30 from available sources pay adjustments, expense

31 reimbursements, and related benefits to fully fund the  
32 following:

- 33 1. The collective bargaining agreement negotiated  
34 pursuant to chapter 20 for employees in the blue collar  
35 bargaining unit.
- 36 2. The collective bargaining agreement negotiated  
37 pursuant to chapter 20 for employees in the public  
38 safety bargaining unit.
- 39 3. The collective bargaining agreement negotiated  
40 pursuant to chapter 20 for employees in the security  
41 bargaining unit.
- 42 4. The collective bargaining agreement negotiated  
43 pursuant to chapter 20 for employees in the technical  
44 bargaining unit.
- 45 5. The collective bargaining agreement negotiated  
46 pursuant to chapter 20 for employees in the  
47 professional fiscal and staff bargaining unit.
- 48 6. The collective bargaining agreement negotiated  
49 pursuant to chapter 20 for employees in the clerical  
50 bargaining unit.

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- 1 7. The collective bargaining agreement negotiated  
2 pursuant to chapter 20 for employees in the  
3 professional social services bargaining unit.
- 4 8. The collective bargaining agreement negotiated  
5 pursuant to chapter 20 for employees in the  
6 community-based corrections bargaining unit.
- 7 9. The collective bargaining agreements negotiated  
8 pursuant to chapter 20 for employees in the judicial  
9 branch of government bargaining units.
- 10 10. The collective bargaining agreement negotiated  
11 pursuant to chapter 20 for employees in the patient  
12 care bargaining unit.
- 13 11. The collective bargaining agreement negotiated  
14 pursuant to chapter 20 for employees in the science  
15 bargaining unit.
- 16 12. The collective bargaining agreement negotiated  
17 pursuant to chapter 20 for employees in the university  
18 of northern Iowa faculty bargaining unit.
- 19 13. The collective bargaining agreement negotiated  
20 pursuant to chapter 20 for employees in the state  
21 university of Iowa graduate student bargaining unit.
- 22 14. The collective bargaining agreement negotiated  
23 pursuant to chapter 20 for employees in the state  
24 university of Iowa hospital and clinics tertiary health  
25 care bargaining unit.
- 26 15. The annual pay adjustments, related benefits,  
27 and expense reimbursements referred to in the sections  
28 of this division of this Act addressing noncontract  
29 state and state board of regents employees who are not

30 covered by a collective bargaining agreement.

31 Sec. 17. NONCONTRACT STATE EMPLOYEES — GENERAL.

32 1. For the fiscal year beginning July 1, 2010:

33 a. The maximum and minimum salary levels of all pay  
34 plans provided for in section 8A.413, subsection 3, as  
35 they exist for the fiscal year ending June 30, 2010,  
36 shall not increase.

37 b. Employees may receive a step increase or the  
38 equivalent of a step increase.

39 c. The pay plan for noncontract judicial branch  
40 employees shall not be increased.

41 d. The pay plans for state employees who are  
42 exempt from chapter 8A, subchapter IV, and who are  
43 included in the department of administrative services'  
44 centralized payroll system shall not be increased, and  
45 any additional changes in any executive branch pay  
46 plans shall be approved by the governor.

47 2. This section does not apply to members of the  
48 general assembly, board members, commission members,  
49 persons whose salaries are set by the general assembly  
50 pursuant to this Act or are set by the governor,

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1 or other persons designated in the section of this  
2 division of this Act addressing appointed state  
3 officers, employees designated under section 8A.412,  
4 subsection 5, and employees covered by 11 IAC 53.6(3).

5 3. The pay plans for the bargaining eligible  
6 employees of the state shall not be increased, and  
7 any additional changes in such executive branch pay  
8 plans shall be approved by the governor. As used in  
9 this section, "bargaining eligible employee" means an  
10 employee who is eligible to organize under chapter 20,  
11 but has not done so.

12 4. The policies for implementation of this section  
13 shall be approved by the governor.

14 Sec. 18. STATE EMPLOYEES — STATE BOARD OF  
15 REGENTS. For the fiscal year beginning July 1, 2010,  
16 and ending June 30, 2011, funds shall be provided from  
17 available sources of the state board of regents for  
18 funding of collective bargaining agreements for state  
19 board of regents employees covered by such agreements  
20 and for the following state board of regents employees  
21 not covered by a collective bargaining agreement:

22 1. Regents merit system employees and merit  
23 supervisory employees.

24 2. Faculty members and professional and scientific  
25 employees.

26 Sec. 19. BONUS PAY. For the fiscal year beginning  
27 July 1, 2010, and ending June 30, 2011, employees of  
28 the executive branch, judicial branch, and legislative

29 branch shall not receive bonus pay unless otherwise  
30 authorized by law, required pursuant to a contract  
31 of employment entered into before July 1, 2010,  
32 or required pursuant to a collective bargaining  
33 agreement. This section does not apply to employees  
34 of the state board of regents. For purposes of this  
35 section, "bonus pay" means any additional remuneration  
36 provided an employee in the form of a bonus, including  
37 but not limited to a retention bonus, recruitment  
38 bonus, exceptional job performance pay, extraordinary  
39 job performance pay, exceptional performance pay,  
40 extraordinary duty pay, or extraordinary or special  
41 duty pay, and any extra benefit not otherwise provided  
42 to other similarly situated employees.

43 Sec. 20. SPECIAL FUNDS. For the fiscal year  
44 beginning July 1, 2010, and ending June 30, 2011,  
45 salary adjustments otherwise provided for in this Act  
46 may be funded using departmental revolving, trust,  
47 or special funds for which the general assembly has  
48 established an operating budget, provided doing so does  
49 not exceed the operating budget established by the  
50 general assembly.

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1 Sec. 21. FEDERAL FUNDS APPROPRIATED. For the  
2 fiscal year beginning July 1, 2010, all federal grants  
3 to and the federal receipts of the agencies affected by  
4 this division of this Act which are received and may be  
5 expended for purposes of this division of this Act are  
6 appropriated for those purposes and as set forth in the  
7 federal grants or receipts.

8 Sec. 22. STATE TROOPER MEAL ALLOWANCE. For the  
9 fiscal year beginning July 1, 2010, the sworn peace  
10 officers in the department of public safety who are not  
11 covered by a collective bargaining agreement negotiated  
12 pursuant to chapter 20 shall receive the same per  
13 diem meal allowance as the sworn peace officers in  
14 the department of public safety who are covered by a  
15 collective bargaining agreement negotiated pursuant to  
16 chapter 20.

17 Sec. 23. SALARY MODEL ADMINISTRATOR. The salary  
18 model administrator shall work in conjunction with  
19 the legislative services agency to maintain the  
20 state's salary model used for analyzing, comparing,  
21 and projecting state employee salary and benefit  
22 information, including information relating to  
23 employees of the state board of regents. The  
24 department of revenue, the department of administrative  
25 services, the five institutions under the jurisdiction  
26 of the state board of regents, the judicial district  
27 departments of correctional services, and the state

28 department of transportation shall provide salary data  
 29 to the department of management and the legislative  
 30 services agency to operate the state's salary  
 31 model. The format and frequency of provision of the  
 32 salary data shall be determined by the department of  
 33 management and the legislative services agency. The  
 34 information shall be used in collective bargaining  
 35 processes under chapter 20 and in calculating the  
 36 funding needs contained within the annual salary  
 37 adjustment legislation. A state employee organization  
 38 as defined in section 20.3, subsection 4, may request  
 39 information produced by the model, but the information  
 40 provided shall not contain information attributable to  
 41 individual employees.

42 Sec. 24. 2008 Iowa Acts, chapter 1191, section 14,  
 43 subsection 7, is amended to read as follows:

44 7. The following are range 7 positions:  
 45 administrator of the public broadcasting division  
 46 of the department of education, director of the  
 47 department of corrections, director of the department  
 48 of education, director of human services, director  
 49 of the department of economic development, executive  
 50 director of the Iowa telecommunications and technology

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1 commission, executive director of the state board  
 2 of regents, director of transportation, director of  
 3 the department of workforce development, director  
 4 of revenue, director of public health, state court  
 5 administrator, director of the department of  
 6 management, chief information officer, and director of  
 7 the department of administrative services.

#### 8 DIVISION IV

#### 9 APPROPRIATION REDUCTIONS

10 Sec. 25. APPROPRIATION REDUCTIONS — REPORT.

11 1. The amounts appropriated from the general fund  
 12 of the state to the departments and establishments  
 13 of the executive branch, as defined in section 8.2,  
 14 but not including appropriations to the state board  
 15 of regents, for operational purposes in enactments  
 16 made for the fiscal year beginning July 1, 2010, and  
 17 ending June 30, 2011, are reduced by \$83,760,500.  
 18 For purposes of this section, "operational purposes"  
 19 means salary, support, administrative expenses, or  
 20 other personnel-related costs. The reductions in  
 21 appropriations required pursuant to this subsection  
 22 shall be realized through the implementation of 2010  
 23 Iowa Acts, Senate File 2062, 2010 Iowa Acts, Senate  
 24 File 2088, executive order number 20 issued December  
 25 16, 2009, and any other efficiency measure. The  
 26 reductions to operational appropriations required by

27 this subsection shall be applied by the department of  
28 management.

29 2. On or before December 1, 2010, the department  
30 of management shall submit a report to the general  
31 assembly and the legislative services agency  
32 regarding anticipated reductions in appropriations  
33 for operational purposes and anticipated reductions  
34 in full-time equivalent positions for the fiscal  
35 year beginning July 1, 2010, and ending June 30,  
36 2011, as required by this section. In the report,  
37 all reductions shall be categorized in one of  
38 four categories. The categories shall include the  
39 implementation of 2010 Iowa Acts, Senate File 2062;  
40 the implementation of 2010 Iowa Acts, Senate File  
41 2088, section 65; the implementation of 2010 Iowa  
42 Acts, Senate File 2088, sections 67 and 68; and the  
43 implementation of both executive order number 20 issued  
44 December 16, 2009, and any remaining provisions of 2010  
45 Iowa Acts, Senate File 2088.

46 Sec. 26. CASH RESERVE TRANSFER. For the fiscal  
47 year beginning July 1, 2010, and ending June 30, 2011,  
48 the department of management may transfer up to five  
49 million dollars from the cash reserve fund created  
50 in section 8.56 to appropriations addressed by this

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1 division for purposes of offsetting the appropriation  
2 reductions required in this division. A transfer made  
3 pursuant to the authority granted in this section shall  
4 be subject to the reporting requirements in section  
5 8.39, subsections 3 and 4.

6 Sec. 27. DEPARTMENT OF ADMINISTRATIVE SERVICES —  
7 INFORMATION TECHNOLOGY. There is appropriated from  
8 the general fund of the state to the department of  
9 administrative services for the fiscal year beginning  
10 July 1, 2010, and ending June 30, 2011, the following  
11 amount, or so much thereof as is necessary, to be used  
12 for the purposes designated:

13 For implementing 2010 Iowa Acts, Senate File 2088,  
14 division I, including salaries, support, maintenance,  
15 and miscellaneous purposes:

16 ..... \$ 2,300,000

17 DIVISION V

18 STATE FINANCIAL MANAGEMENT DUTIES

19 Sec. 28. Section 8A.502, subsection 1, Code 2009,  
20 is amended to read as follows:

21 1. Centralized accounting and payroll system. To  
22 assume the responsibilities related to a centralized  
23 accounting system for state government and to establish  
24 a centralized payroll system for all state agencies.  
25 However, the state board of regents and institutions

26 under the control of the state board of regents shall  
 27 not be required to utilize the centralized payroll  
 28 system.

29 Sec. 29. Section 8A.502, Code 2009, is amended by  
 30 adding the following new subsection:

31 NEW SUBSECTION. 8A. Budget database. To develop  
 32 and make available to the public a searchable budget  
 33 database.

34 Sec. 30. Section 11.5B, subsection 16, if enacted  
 35 by 2010 Iowa Acts, Senate File 2367, is amended by  
 36 striking the subsection.

37 Sec. 31. 2010 Iowa Acts, Senate File 2088, section  
 38 233, is amended to read as follows:

39 SEC. 233. DEPARTMENT OF ~~MANAGEMENT~~ ADMINISTRATIVE  
 40 SERVICES — CENTRALIZED PAYROLL SYSTEM. The department  
 41 of ~~management~~ administrative services shall examine  
 42 the possibility of merging all state payroll systems  
 43 into the centralized payroll system operated by  
 44 the department. The department shall consult with  
 45 those entities of state government not utilizing the  
 46 centralized payroll system, including but not limited  
 47 to the state department of transportation, about  
 48 strategies for encouraging utilization of the state's  
 49 centralized payroll system and by identifying those  
 50 barriers preventing merging of the payroll systems.

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1 The department shall provide information to the joint  
 2 appropriations subcommittee on administration and  
 3 regulation concerning efforts by the department to  
 4 merge payroll systems and any recommendations for  
 5 legislative action to encourage, or eliminate barriers  
 6 to, the provision of payroll services by the department  
 7 to other state agencies.

8 Sec. 32. 2010 Iowa Acts, Senate File 2088, section  
 9 234, is amended to read as follows:

10 SEC. 234. DEPARTMENT OF ~~MANAGEMENT~~ ADMINISTRATIVE  
 11 SERVICES — PAYROLL FREQUENCY. The department of  
 12 ~~management~~ administrative services shall implement  
 13 to the greatest extent possible a reduction in the  
 14 frequency of paying state employees by paying employees  
 15 through the payroll system on a semimonthly instead of  
 16 a biweekly basis.

17 Sec. 33. REPEALS. 2010 Iowa Acts, Senate File  
 18 2088, sections 175 through 232, are repealed.

19 DIVISION VI  
 20 CORRECTIVE PROVISIONS

21 Sec. 34. Section 2.69, subsection 3, as enacted  
 22 by 2010 Iowa Acts, Senate File 2088, section 420, is  
 23 amended to read as follows:

24 3. The members of the committee shall be reimbursed



25 for actual and necessary expenses incurred in the  
26 performance of their duties and shall be paid a per  
27 diem as specified in section ~~7E.6 2.10~~ for each day in  
28 which they engaged in the performance of their duties.  
29 However, per diem compensation and expenses shall  
30 not be paid when the general assembly is actually in  
31 session at the seat of government. Expenses and per  
32 diem shall be paid from funds appropriated pursuant to  
33 section 2.12.

34 Sec. 35. Section 46.3, subsection 3, Code 2009, as  
35 amended by 2010 Iowa Acts, Senate File 2343, section 1,  
36 if enacted, is amended to read as follows:

37 3. ~~A No more than a~~ simple majority of the  
38 commissioners appointed shall be of the same gender.

39 Sec. 36. Section 97D.4, subsection 2, Code 2009, is  
40 amended to read as follows:

41 2. The members of the committee shall be reimbursed  
42 for actual and necessary expenses incurred in the  
43 performance of their duties and shall be paid a per  
44 diem as specified in section ~~7E.6 2.10~~ for each day in  
45 which they engaged in the performance of their duties.  
46 However, per diem compensation and expenses shall  
47 not be paid when the general assembly is actually in  
48 session at the seat of government. Expenses and per  
49 diem shall be paid from funds appropriated pursuant to  
50 section 2.12.

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1 Sec. 37. Section 123.43A, subsection 1, unnumbered  
2 paragraph 1, as enacted by 2010 Iowa Acts, Senate File  
3 2088, section 84, is amended to read as follows:

4 For the purposes of this section, unless the context  
5 ~~other otherwise~~ requires:

6 Sec. 38. Section 162.10D, subsection 2, as enacted  
7 by 2010 Iowa Acts, House File 2280, section 18, is  
8 amended to read as follows:

9 2. The department may require ~~that~~ an owner,  
10 operator, or employee of a commercial establishment  
11 subject to disciplinary action under subsection 1 to  
12 complete a continuing education program as a condition  
13 for retaining an authorization. This section does not  
14 prevent a person from voluntarily participating in a  
15 continuing education program.

16 Sec. 39. Section 216A.113, subsection 1, as enacted  
17 by 2010 Iowa Acts, Senate File 2088, section 139, is  
18 amended to read as follows:

19 1. The commission ~~on the deaf of deaf services~~ is  
20 established, and shall consist of seven voting members  
21 appointed by the governor, subject to confirmation by  
22 the senate pursuant to section 2.32. Membership of the  
23 commission shall include at least four members who are

24 deaf and who cannot hear human speech with or without  
 25 use of amplification and at least one member who is  
 26 hard of hearing. All members shall reside in Iowa.

27 Sec. 40. Section 216C.9, subsection 1, Code 2009,  
 28 as amended by 2010 Iowa Acts, Senate File 2202, section  
 29 7, if enacted, is amended to read as follows:

30 1. If a street, road, or highway in this state  
 31 is newly built or reconstructed, a curb ramp or  
 32 sloped area shall be constructed or installed at each  
 33 intersection of the street, road, or highway with a  
 34 sidewalk or path. If a sidewalk or path in this state  
 35 is newly built or ~~altered~~ reconstructed, a curb ramp or  
 36 sloped area shall be constructed or installed at each  
 37 intersection of the sidewalk or path with a street,  
 38 highway, or road.

39 Sec. 41. Section 256.51, subsection 1, paragraph a,  
 40 Code 2009, as amended by 2010 Iowa Acts, Senate File  
 41 2088, section 316, is amended to read as follows:

42 a. Determine policy for providing information  
 43 service to the three branches of state government and  
 44 to the legal ~~and medical~~ community in this state.

45 Sec. 42. Section 256F.3, subsection 1, Code 2009,  
 46 as amended by 2010 Iowa Acts, Senate File 2033, section  
 47 10, is amended to read as follows:

48 1. The state board of education shall apply for  
 49 a federal grant under Pub. L. No. 107–110, cited as  
 50 the federal No Child Left Behind Act of 2001, Tit. V,

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1 Pt. B, Subpt. 1, for purposes of providing financial  
 2 assistance for the planning, program design, and  
 3 initial implementation of public charter schools. The  
 4 department shall monitor the effectiveness of charter  
 5 schools and innovation zone schools and shall implement  
 6 the applicable provisions of this chapter.

7 Sec. 43. Section 256F.6, subsection 3, Code 2009,  
 8 is amended to read as follows:

9 3. The state board of education shall provide by  
 10 rule for the ongoing review of a school board's each  
 11 party's compliance with a contract entered into in  
 12 accordance with this chapter.

13 Sec. 44. Section 260C.44, Code 2009, as amended  
 14 by 2010 Iowa Acts, Senate File 2340, section 35, if  
 15 enacted, is amended to read as follows:

16 260C.44 Apprenticeship programs.

17 1. Each community college is authorized to  
 18 establish or contract for the establishment of  
 19 apprenticeship programs for apprenticeable occupations.  
 20 Any apprenticeship program established under this  
 21 section shall comply with requirements established by  
 22 the United States department of labor, ~~bureau~~ office of

23 apprenticeship ~~and training~~. Participation in an  
 24 apprenticeship program or apprenticeship agreement  
 25 by an apprenticeship sponsor shall be on a voluntary  
 26 basis.

27 2. For purposes of this section:

28 a. "Apprentice" means a person who is at least  
 29 sixteen years of age, except where a higher minimum  
 30 age is required by law, who is employed in an  
 31 apprenticeable occupation, and is registered with  
 32 the United States department of labor, office of  
 33 apprenticeship.

34 b. "Apprenticeable occupation" means an occupation  
 35 approved for apprenticeship by the United States  
 36 department of labor, office of apprenticeship ~~and~~  
 37 ~~training~~.

38 c. "Apprenticeship program" means a plan, registered  
 39 with the United States office of apprenticeship  
 40 which contains the terms and conditions for the  
 41 qualification, recruitment, selection, employment, and  
 42 training of apprentices, including the requirement for  
 43 a written apprenticeship agreement.

44 d. "Apprenticeship sponsor" means a person  
 45 operating an apprenticeship program or in whose name an  
 46 apprenticeship program is being operated, registered,  
 47 or approved.

48 Sec. 45. Section 298.4, subsection 2, if enacted  
 49 by 2010 Iowa Acts, Senate File 2237, section 103, is  
 50 amended to read as follows:

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1 2. Unencumbered funds collected from the levies  
 2 authorized in sections 96.31, 279.46, and 296.7 prior  
 3 to July 1, 1991, may be expended for the purposes  
 4 listed in ~~subsections~~ subsection 1, paragraphs "a",  
 5 "c", and "e".

6 Sec. 46. Section 317.1, Code 2009, as amended  
 7 by 2010 Iowa Acts, Senate File 2340, section 86, if  
 8 enacted, is amended to read as follows:

9 317.1 Definitions.

10 As used in this chapter, unless the context  
 11 otherwise requires:

12 ~~1.~~ 1. "Book", "list", "record", or "schedule" kept  
 13 by a county auditor, assessor, treasurer, recorder,  
 14 sheriff, or other county officer means the county  
 15 system as defined in section 445.1.

16 ~~2.~~ 2. "Commissioner" means the county weed  
 17 commissioner or the commissioner's deputy within each  
 18 county.

19 Sec. 47. Section 321J.2, subsection 3, paragraph  
 20 d, subparagraphs (1) and (2), if enacted by 2010 Iowa  
 21 Acts, Senate File 431, section 1, are amended to read

22 as follows:

23 (1) A defendant whose alcohol concentration is .08  
24 or more but not more than .10 shall not be eligible for  
25 any temporary restricted license for at least thirty  
26 days if a test was obtained and an accident resulting  
27 in personal injury or property damage occurred. The  
28 ~~department shall require the defendant shall be~~  
29 ~~ordered~~ to install an ignition interlock device of a  
30 type approved by the commissioner of public safety on  
31 all vehicles owned or operated by the defendant if  
32 the defendant seeks a temporary restricted license.  
33 There shall be no such period of ineligibility if no  
34 such accident occurred, and the defendant shall not  
35 be ~~ordered~~ required to install an ignition interlock  
36 device.

37 (2) A defendant whose alcohol concentration is  
38 more than .10 shall not be eligible for any temporary  
39 restricted license for at least thirty days if a test  
40 was obtained, and an accident resulting in personal  
41 injury or property damage occurred or the defendant's  
42 alcohol concentration exceeded .15. There shall be  
43 no such period of ineligibility if no such accident  
44 occurred and the defendant's alcohol concentration did  
45 not exceed .15. In either case, where a defendant's  
46 alcohol concentration is more than .10, the department  
47 shall require the defendant ~~shall be ordered~~  
48 an ignition interlock device of a type approved by the  
49 commissioner of public safety on all vehicles owned  
50 or operated by the defendant if the defendant seeks a

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1 temporary restricted license.  
2 Sec. 48. Section 336.4, Code 2009, as amended  
3 by 2010 Iowa Acts, Senate File 2088, section 323, is  
4 amended to read as follows:  
5 336.4 Library trustees.  
6 In any area in which a library district has been  
7 established in accordance with this chapter, a board  
8 of library trustees, consisting of five, seven, or  
9 nine members who ~~resident~~ reside within the library  
10 district, shall be appointed by the governing bodies of  
11 the jurisdictions comprising the library district.  
12 Sec. 49. Section 435.26B, subsection 1, paragraph  
13 c, if enacted by 2010 Iowa Acts, Senate File 2199,  
14 section 13, is amended to read as follows:  
15 c. A statement of the affiant's title or ownership  
16 interest and a statement of all liens, encumbrances, or  
17 security ~~interest~~ interests upon the manufactured or  
18 mobile home, including the names and mailing addresses  
19 of all persons having any such liens, encumbrances, or  
20 security interests.

21 Sec. 50. Section 455B.104, subsection 4, as enacted  
22 by 2010 Iowa Acts, Senate File 2088, section 258, is  
23 amended to read as follows:

24 4. By ~~September 1~~ December 31 of each year, the  
25 department shall submit a report to the governor and  
26 the general assembly regarding the greenhouse gas  
27 emissions in the state during the previous calendar  
28 year and forecasting trends in such emissions. The  
29 first submission by the department shall be filed by  
30 ~~September 1~~ December 31, 2011, for the calendar year  
31 beginning January 1, 2010.

32 Sec. 51. Section 476.53, subsection 2, paragraph  
33 a, Code 2009, as amended by 2010 Iowa Acts, House File  
34 2399, section 2, if enacted, is amended to read as  
35 follows:

36 a. The general assembly's intent with regard to  
37 the development of electric power generating and  
38 transmission facilities, or the significant alteration  
39 of an existing generating facility, as provided in  
40 subsection 1, shall be implemented in a manner that is  
41 cost-effective and compatible with the environmental  
42 policies of the state, as expressed in Title XI.

43 Sec. 52. Section 489.116, subsection 4, as amended  
44 by 2010 Iowa Acts, House File 2478, section 5, if  
45 enacted, is amended to read as follows:

46 ~~4. 3.~~ A limited liability company or foreign  
47 limited liability company may be served pursuant to  
48 this section, as provided in another provision of this  
49 chapter, or as provided in sections 617.3 through  
50 617.6, unless the manner of service is otherwise

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1 specifically provided for by another provision of law.  
2 Sec. 53. Section 489.1005, subsection 2, Code 2009,  
3 is amended to read as follows:

4 2. A surviving organization that is a foreign  
5 organization consents to the jurisdiction of the courts  
6 of this state to enforce any debt, obligation, or  
7 other liability owed by a constituent organization,  
8 if before the merger the constituent organization was  
9 subject to suit in this state on the debt, obligation,  
10 or other liability. A surviving organization that is  
11 a foreign organization and not authorized to transact  
12 business in this state appoints the secretary of  
13 state as its registered agent for service of process  
14 for the purposes of enforcing a debt, obligation, or  
15 other liability under this subsection. Service on the  
16 secretary of state under this subsection must be made  
17 in the same manner and has the same consequences as in  
18 section 489.116, subsections ~~3~~ 2 and ~~4~~ 3.

19 Sec. 54. Section 489.1009, subsection 3, Code 2009,

20 is amended to read as follows:

21 3. A converted organization that is a foreign  
 22 organization consents to the jurisdiction of the  
 23 courts of this state to enforce any debt, obligation,  
 24 or other liability for which the converting limited  
 25 liability company is liable if, before the conversion,  
 26 the converting limited liability company was subject to  
 27 suit in this state on the debt, obligation, or other  
 28 liability. A converted organization that is a foreign  
 29 organization and not authorized to transact business  
 30 in this state appoints the secretary of state as its  
 31 registered agent for service of process for purposes of  
 32 enforcing a debt, obligation, or other liability under  
 33 this subsection. Service on the secretary of state  
 34 under this subsection must be made in the same manner  
 35 and has the same consequences as in section 489.116,  
 36 subsections ~~2~~ 2 and ~~4~~ 3.

37 Sec. 55. Section 489.1013, subsection 2, Code 2009,  
 38 is amended to read as follows:

39 2. A domesticated company that is a foreign limited  
 40 liability company consents to the jurisdiction of the  
 41 courts of this state to enforce any debt, obligation,  
 42 or other liability owed by the domesticating company,  
 43 if, before the domestication, the domesticating  
 44 company was subject to suit in this state on the debt,  
 45 obligation, or other liability. A domesticated company  
 46 that is a foreign limited liability company and not  
 47 authorized to transact business in this state appoints  
 48 the secretary of state as its registered agent for  
 49 service of process for purposes of enforcing a debt,  
 50 obligation, or other liability under this subsection.

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1 Service on the secretary of state under this subsection  
 2 must be made in the same manner and has the same  
 3 consequences as in section 489.116, subsections ~~2~~ 2 and  
 4 ~~4~~ 3.

5 Sec. 56. Section 508C.3, subsection 1, paragraph b,  
 6 subparagraph (2), subparagraph division (b), Code 2009,  
 7 as amended by 2010 Iowa Acts, Senate File 2272, section  
 8 1, if enacted, is amended to read as follows:

9 (b) The person is not eligible for coverage by an  
 10 association described in subparagraph ~~part~~ division (a)  
 11 in any other state due to the fact that the insurer was  
 12 not licensed in the state at the time specified in that  
 13 state's guaranty association law.

14 Sec. 57. Section 514C.26, subsection 1, paragraph  
 15 c, subparagraph (2), subparagraph division (j), as  
 16 enacted by 2010 Iowa Acts, House File 2075, section 1,  
 17 is amended to read as follows:

18 (j) Costs of extra treatments, services,

19 procedures, tests, or drugs that would not be performed  
20 or administered except for participation in the  
21 cancer clinical trial. Nothing in this subparagraph  
22 ~~subdivision~~ division shall limit payment for  
23 treatments, services, procedures, tests, or drugs that  
24 are otherwise a covered benefit under subparagraph (1).  
25 Sec. 58. Section 543B.29, subsection 1, paragraph  
26 e, subparagraph (2), if enacted by 2010 Iowa Acts,  
27 Senate File 2326, section 5, is amended to read as  
28 follows:

29 (2) The commission, when considering the revocation  
30 or suspension of a license pursuant to this paragraph  
31 “e”, shall consider the nature of the offense; any  
32 aggravating or extenuating circumstances which  
33 are documented; the time lapsed since the conduct  
34 or conviction; the rehabilitation, treatment, or  
35 restitution performed by the licensee; and any other  
36 factors the commission deems relevant. Character  
37 references may be required but shall not be obtained  
38 from licensed real estate brokers or salespersons.

39 Sec. 59. Section 562A.29A, subsection 1, paragraph  
40 b, as enacted by 2010 Iowa Acts, Senate File 2300,  
41 section 3, is amended to read as follows:

42 b. Personal service pursuant to ~~rules~~ rule of civil  
43 procedure 1.305, Iowa court rules, for the personal  
44 service of original notice.

45 Sec. 60. Section 685.6, subsection 9, paragraph d,  
46 as enacted by 2010 Iowa Acts, Senate File 2088, section  
47 343, is amended to read as follows:

48 d. At any time during which any custodian is in  
49 custody or control of any documentary material or  
50 answers to interrogatories produced, or transcripts of

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1 oral testimony given, by any person in compliance with  
2 any civil investigative demand issued under subsection  
3 1, such person, and in the case of an express demand  
4 for any product of discovery, the person from whom such  
5 discovery was obtained, may file, in the district court  
6 of the state for the judicial district within which the  
7 office of such custodian is located, and serve upon  
8 such custodian, a petition for an order of such court  
9 to require the performance by the custodian of any duty  
10 imposed upon the custodian by this section.

11 Sec. 61. Section 692A.102, subsection 1, paragraph  
12 c, subparagraph (30), Code Supplement 2009, is amended  
13 to read as follows:

14 (30) Enticing ~~away~~ a minor in violation of section  
15 710.10, if the violation includes an intent to commit  
16 sexual abuse, sexual exploitation, sexual contact, or  
17 sexual conduct directed towards a minor.

18 Sec. 62. Section 805.6, subsection 3, paragraph a,  
 19 if enacted by 2010 Iowa Acts, Senate File 2340, section  
 20 63, is amended to read as follows:

21 a. The uniform citation and complaint shall  
 22 contain spaces for the parties' names; the address  
 23 of the alleged offender; the registration number of  
 24 the offender's vehicle; the information required by  
 25 section 805.2, a warning which states; I hereby  
 26 swear and affirm that the information provided by me  
 27 on this citation is true under penalty of providing  
 28 false information; and a statement that providing false  
 29 information is a violation of section 719.3; a list  
 30 of the scheduled fines prescribed by sections 805.8A,  
 31 805.8B, and 805.8C, either separately or by group, and  
 32 a statement of the court costs payable in scheduled  
 33 violation cases, whether or not a court appearance  
 34 is required or is demanded; a brief explanation of  
 35 sections 805.9 and 805.10; and a space where the  
 36 defendant may sign an admission of the violation when  
 37 permitted by section 805.9; and the uniform citation  
 38 and complaint shall require that the defendant appear  
 39 before a court at a specified time and place. The  
 40 uniform citation and complaint also may contain a space  
 41 for the imprint of a credit card, and may contain any  
 42 other information which the commissioner of public  
 43 safety, the director of transportation, and the  
 44 director of the department of natural resources may  
 45 determine.

46 Sec. 63. Section 805.6, subsection 7, Code  
 47 Supplement 2009, as amended by 2010 Iowa Acts, Senate  
 48 File 2340, section 63, if enacted, is amended to read  
 49 as follows:

50 9. Supplies of uniform citation and complaint forms

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1 existing or on order on July 1, 2010, may be used until  
 2 exhausted.

3 Sec. 64. Section 901A.1, subsection 1, paragraph c,  
 4 Code 2009, is amended to read as follows:

5 c. Enticing a minor ~~away~~ in violation of section  
 6 710.10, subsection 1.

7 Sec. 65. The portion of 2010 Iowa Acts, House  
 8 File 2399, section 2, if enacted, that enacts section  
 9 476.53, subsection 3, paragraph a, subparagraph (1),  
 10 unnumbered paragraph 1, is amended by striking the  
 11 unnumbered paragraph and inserting in lieu thereof the  
 12 following:

13 Files an application pursuant to section 476A.3 to  
 14 construct in Iowa a baseload electric power generating  
 15 facility with a nameplate generating capacity equal  
 16 to or greater than three hundred megawatts or a



17 combined-cycle electric power generating facility, or  
 18 an alternate energy production facility as defined  
 19 in section 476.42, or to significantly alter an  
 20 existing generating facility. For purposes of this  
 21 subparagraph, a significant alteration of an existing  
 22 generating facility must, in order to qualify for  
 23 establishment of ratemaking principles, fall into one  
 24 of the following categories:

25 Sec. 66. 2010 Iowa Acts, Senate File 431, section  
 26 5, if enacted, is amended by striking the section and  
 27 inserting in lieu thereof the following:

28 SEC. 5. Section 907.3, subsection 3, paragraph  
 29 c, unnumbered paragraph 1, Code Supplement 2009, is  
 30 amended to read as follows:

31 A mandatory minimum sentence of incarceration  
 32 imposed pursuant to a violation of section 321J.2,  
 33 subsection 1; furthermore, the court shall not suspend  
 34 any part of a sentence not involving incarceration  
 35 imposed pursuant to section 321J.2, subsection ~~2~~ 3,  
 36 4, or 5, beyond the mandatory minimum if any of the  
 37 following apply:

38 Sec. 67. 2010 Iowa Acts, Senate File 2237, section  
 39 180, subsection 4, paragraph a, as enacted, is amended  
 40 to read as follows:

41 a. The Code editor is directed to strike the words  
 42 “title” or “Title” and insert “Tit.” within federal  
 43 Act references in sections 13.31, subsections 1 and  
 44 6; 15E.192, subsection 2; 15E.195, subsections 1 and  
 45 2; 30.1, subsection 3; 47.1, subsection 5; 96.11,  
 46 subsection 10, paragraph “c”; 97C.1; 97C.2, subsections  
 47 2, 5, and 7; 97C.3, unnumbered paragraph 1, and  
 48 subsections 1 and 2; 135C.9, subsection 1, paragraph  
 49 “b”; 142A.8, subsection 2; 203C.1, subsection 26;  
 50 207.21, subsections 1, 4, and 5; 207.22, subsection

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1 3, paragraph “b”; 217.38; 228.1, subsection 7;  
 2 230.20, subsection 6; 232.1A; 234.6, subsection 1;  
 3 249.1, subsection 3; 249A.2, subsections 1, 4, 6, 7,  
 4 and 8; 249A.20A, subsection 5; 249A.24, subsection  
 5 2, paragraph “b”; 249B.1, subsections 6 and 7;  
 6 249F.1, subsection 1; 249F.8; 249J.3, subsection 8;  
 7 249J.10, subsection 3; 249J.22, subsection 3; 252B.6,  
 8 subsection 3; 252B.9, subsection 2, paragraph “b”,  
 9 subparagraph (1), subsection 3, paragraphs “c”, “d”,  
 10 “e”, subparagraph (1), and “f”; 252B.14, subsection  
 11 5; 252D.20; 252E.15; 259.2, unnumbered paragraph 2;  
 12 259.9; 260C.18A, subsection 2, paragraph “c”; 306B.1,  
 13 subsections 3 and 4; 307.10, subsection 13; 321.105,  
 14 subsection 5; 321.450, subsections 1 and 3; 403.6,  
 15 subsection 7; 455B.133, subsection 3 and subsection

16 8, paragraph "a"; 459A.102, subsection 19; 483A.4,  
 17 subsection 1; 486A.101, subsection 2, paragraph "a";  
 18 488.102, subsection 3, paragraph "a"; 490A.102,  
 19 subsection 2; 514.7, subsections 2 through 4; 514B.1,  
 20 subsection 5, paragraphs "b" ~~though~~ through "d";  
 21 514C.8, subsection 1; 514F.4, subsection 2, paragraph  
 22 "a"; 514I.9, subsection 1; 523A.401, subsection 5,  
 23 paragraph "a"; 523A.402, subsection 5, paragraph "a";  
 24 523A.602, subsection 3; 534.205, subsection 1; 541A.1,  
 25 subsection 8, paragraph "b", subparagraph (2); and  
 26 541A.6, Code 2009.

27 Sec. 68. 2010 Iowa Acts, Senate File 2366, section  
 28 23, subsection 2, if enacted, is amended to read as  
 29 follows:

30 2. The costs associated with implementation of  
 31 this division of this Act shall be funded exclusively  
 32 through moneys appropriated from the quality assurance  
 33 trust fund, and shall result in budget neutrality to  
 34 the general fund of the state for the fiscal year  
 35 beginning July 1, 2009, and ending June 30, 2010.

36 Sec. 69. REPEAL. 2010 Iowa Acts, House File 2280,  
 37 section 25, is repealed.

38 Sec. 70. REPEAL. 2010 Iowa Acts, House File 2452,  
 39 section 3, is repealed.

40 Sec. 71. REPEAL. 2010 Iowa Acts, Senate File 2340,  
 41 section 117, is repealed.

42 Sec. 72. CONDITIONAL EFFECTIVE DATE. The sections  
 43 of this division of this Act amending sections  
 44 489.1005, 489.1009, and 489.1013, take effect only if  
 45 2010 Iowa Acts, House File 2478, is enacted.

46 Sec. 73. CONDITIONAL EFFECTIVE DATE. The sections  
 47 of this division of this Act amending section 692A.102,  
 48 subsection 1, paragraph "c", subparagraph (30), and  
 49 section 901A.1, subsection 1, paragraph "c", take  
 50 effect only if 2010 Iowa Acts, House File 2438, is

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1 enacted.

2 Sec. 74. CONTINGENT EFFECTIVE DATE. The section  
 3 of this division of this Act amending section 805.6,  
 4 subsection 7, takes effect only if 2010 Iowa Acts,  
 5 Senate File 2197, is enacted.

6 Sec. 75. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
 7 APPLICABILITY. The following sections of this division  
 8 of this Act, being deemed of immediate importance,  
 9 take effect upon enactment and apply retroactively as  
 10 follows:

11 1. The section of this division of this Act  
 12 amending section 162.10D, subsection 2, as enacted by  
 13 2010 Iowa Acts, House File 2280, section 18, applies  
 14 retroactively to March 9, 2010.

15 2. The section of this division of this Act  
16 amending section 216A.113, subsection 1, as enacted by  
17 2010 Iowa Acts, Senate File 2088, section 139, applies  
18 retroactively to March 10, 2010.

19 3. The section of this division of this Act  
20 amending section 256.51, subsection 1, paragraph "a",  
21 Code 2009, as amended by 2010 Iowa Acts, Senate File  
22 2088, section 316, applies retroactively to March 10,  
23 2010.

24 4. The section of this division of this Act  
25 amending section 435.26B, subsection 1, paragraph "c",  
26 if enacted by 2010 Iowa Acts, Senate File 2199, section  
27 13, applies retroactively to the effective date of 2010  
28 Iowa Acts, Senate File 2199.

29 5. The section of this division of this Act  
30 amending section 562A.29A, subsection 1, paragraph "b",  
31 as enacted by 2010 Iowa Acts, Senate File 2300, section  
32 3, applies retroactively to March 2, 2010.

33 6. The section of this division of this Act  
34 amending the portion of 2010 Iowa Acts, House File  
35 2399, section 2, that enacts section 476.53, subsection  
36 3, paragraph "a", subparagraph (1), unnumbered  
37 paragraph 1, applies retroactively to March 9, 2010.

38 7. The section of this division of this Act  
39 repealing 2010 Iowa Acts, House File 2280, section 25,  
40 applies retroactively to March 9, 2010.

41 Sec. 76. EFFECTIVE DATE. The following sections of  
42 this division of this Act take effect December 1, 2010:

43 1. The section of this division of this Act  
44 amending section 321J.2, subsection 3, paragraph "d",  
45 subparagraphs (1) and (2), if enacted by 2010 Iowa  
46 Acts, Senate File 431, section 1.

47 2. The section of this division of this Act  
48 repealing 2010 Iowa Acts, House File 2452, section 3,  
49 if 2010 Iowa Acts, Senate File 431, is enacted.

50 3. The section of this division of this Act

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1 amending 2010 Iowa Acts, Senate File 431, section 5, if  
2 2010 Iowa Acts, Senate File 431, is enacted.

3 DIVISION VII

4 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

5 Sec. 77. SAC AND FOX INDIAN SETTLEMENT —  
6 EDUCATIONAL EXPENSES. There is appropriated from the  
7 Iowa comprehensive petroleum underground storage tank  
8 fund to the department of education for the fiscal year  
9 beginning July 1, 2010, and ending June 30, 2011, the  
10 following amount, or so much thereof as is necessary,  
11 to be used for the purposes designated:

12 Notwithstanding section 455G.3, subsection 1, for  
13 distribution to the tribal council of the Sac and Fox

14 Indian settlement located on land held in trust by the  
15 secretary of the interior of the United States. Moneys  
16 appropriated under this section shall be used for the  
17 purposes specified in section 256.30:

18 ..... \$ 90,000

19 Sec. 78. CASH RESERVE FUND APPROPRIATIONS. There  
20 is appropriated from the cash reserve fund created in  
21 section 8.56 to the following departments and agencies  
22 for the fiscal year beginning July 1, 2010, and ending  
23 June 30, 2011, the following amounts to be used for the  
24 purposes designated:

25 1. DEPARTMENT OF HUMAN SERVICES

26 For the medical assistance program:

27 ..... \$ 187,800,000

28 2. DEPARTMENT OF MANAGEMENT

29 For salaries, support, maintenance, and  
30 miscellaneous purposes:

31 ..... \$ 260,000

32 Sec. 79. APPROPRIATION ADJUSTMENTS — DEPARTMENT  
33 OF ADMINISTRATIVE SERVICES. The appropriations to the  
34 department of administrative services for the fiscal  
35 year beginning July 1, 2010, in 2010 Iowa Acts, Senate  
36 File 2367, from the general fund of the state shall  
37 be increased by \$2,761,100. The number of full-time  
38 equivalent positions authorized for the department of  
39 administrative services for the fiscal year beginning  
40 July 1, 2010, in 2010 Iowa Acts, Senate File 2367,  
41 shall be increased by 34.40.

42 Sec. 80. APPROPRIATION ADJUSTMENTS — DEPARTMENT OF  
43 MANAGEMENT. The appropriations to the department of  
44 management for the fiscal year beginning July 1, 2010,  
45 in 2010 Iowa Acts, Senate File 2367, from the general  
46 fund of the state shall be decreased by \$2,761,100.  
47 The number of full-time equivalent positions authorized  
48 for the department of management for the fiscal year  
49 beginning July 1, 2010, in 2010 Iowa Acts, Senate File  
50 2367, shall be decreased by 34.40.

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1 Sec. 81. RAILROAD COMPANY — LIMITED LIABILITY. A  
2 railroad company which alters facilities described in  
3 section 327F.2 pursuant to a written agreement with  
4 a political subdivision with a population of more  
5 than 15,100, but less than 15,150, according to the  
6 2000 certified federal census, to construct a flood  
7 mitigation project shall receive the limitation on  
8 liability contained in section 670.4, subsection 8, for  
9 any damages caused by the alteration due to a flood.

10 Sec. 82. BRAILLE AND SIGHT SAVING SCHOOL STUDY.

11 1. The state board of regents shall conduct  
12 a study to examine possible changes to and make

13 recommendations regarding the current structure for  
 14 providing residential services on the campus of the  
 15 Iowa braille and sight saving school and to make  
 16 recommendations regarding appropriate facilities and  
 17 facility utilization. The study shall also examine  
 18 potential partnerships with other state agencies as  
 19 well as private providers of residential services.

20 2. For purposes of conducting the study, the  
 21 state board of regents shall form a committee with  
 22 representatives of all of the following:

23 a. Parents of students who are blind or visually  
 24 impaired.

25 b. Constituent organizations for the blind or  
 26 visually impaired.

27 c. The department of education.

28 d. The department for the blind.

29 e. The department of human services.

30 f. Area education agencies.

31 g. School boards and school board administrators.

32 h. The governor's developmental disabilities  
 33 council.

34 i. Administration of the statewide system for  
 35 vision services.

36 j. Administration of the Iowa school for the deaf.

37 3. By August 31, 2010, the state board of regents  
 38 shall submit a report of the study to the legislative  
 39 council.

40 Sec. 83. PLUMBERS, MECHANICAL PROFESSIONALS, AND  
 41 CONTRACTORS — EFFECTIVE UPON ENACTMENT.

42 1. Notwithstanding the provisions of section  
 43 105.18, subsection 2, paragraph "c", subparagraph (3),  
 44 to the contrary, the plumbing and mechanical systems  
 45 board shall, through September 30, 2010, allow a person  
 46 who has not previously held a license issued under  
 47 section 105.18 to sit for the state master licensing  
 48 examination for the applicable discipline if that  
 49 person submits evidence of work experience which the  
 50 board deems to be equivalent to forty-eight months

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1 experience as a licensed master in the applicable  
 2 discipline.

3 2. This section, being deemed of immediate  
 4 importance, takes effect upon enactment.

5 Sec. 84. Section 8D.13, subsection 5, Code 2009, is  
 6 amended to read as follows:

7 5. a. The state shall lease all fiberoptic cable  
 8 facilities or facilities with ~~DS-3~~ sufficient capacity  
 9 as determined by the commission for Part III  
 10 connections, ~~for which state funding is provided. The~~  
 11 ~~state shall lease all fiberoptic cable facilities or~~

12 ~~facilities with DS 3 or DS 1 capacity for the judicial~~  
 13 ~~branch, judicial district department departments of~~  
 14 ~~correctional services, and state agency connections for~~  
 15 ~~which state funding is provided. In determining the~~  
 16 ~~capacity to be provided, the commission shall consult~~  
 17 ~~with the authorized users associated with the Part~~  
 18 ~~III connections, the judicial branch, the judicial~~  
 19 ~~district departments of correctional services, and~~  
 20 ~~state agencies associated with connections for which~~  
 21 ~~state funding is provided.~~ Such facilities shall be  
 22 leased from qualified providers. The state shall not  
 23 own such facilities, except for those facilities owned  
 24 by the state as of January 1, 1994.

25 b. The lease provisions of this subsection do not  
 26 apply to a school district which elects to provide one  
 27 hundred percent of the financing for the district's  
 28 connection.

29 Sec. 85. Section 16.100A, subsection 6, paragraph  
 30 d, Code Supplement 2009, is amended to read as follows:

31 d. General public members shall be reimbursed by  
 32 the Iowa finance authority for actual and necessary  
 33 expenses incurred while engaged in their official  
 34 duties. ~~Expense payments shall be made from~~  
 35 ~~appropriations made for purposes of this section.~~

36 Sec. 86. Section 16.181, subsection 1, paragraph a,  
 37 Code Supplement 2009, is amended to read as follows:

38 a. A housing trust fund is created within the  
 39 authority. The moneys in the housing trust fund are  
 40 annually appropriated to the authority to be used  
 41 for the development and preservation of affordable  
 42 housing for low-income people in the state and for the  
 43 Iowa mortgage help initiative. Payment of interest,  
 44 recaptures of awards, or other repayments to the  
 45 housing trust fund shall be deposited in the fund.  
 46 Notwithstanding section 12C.7, interest or earnings on  
 47 moneys in the housing trust fund or appropriated to the  
 48 fund shall be credited to the fund. Notwithstanding  
 49 section 8.33, unencumbered and unobligated moneys  
 50 remaining in the fund at the close of each fiscal

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1 year shall not revert but shall remain available for  
 2 expenditure for the same purposes in the succeeding  
 3 fiscal year.

4 Sec. 87. NEW SECTION. 16.188 Workforce housing  
 5 assistance grant fund.

6 1. A workforce housing assistance grant fund  
 7 is created under the authority of the Iowa finance  
 8 authority. The fund shall consist of appropriations  
 9 made to the fund. The fund shall be separate from the  
 10 general fund of the state and the balance in the fund

11 shall not be considered part of the balance of the  
12 general fund of the state. However, the fund shall  
13 be considered a special account for the purposes of  
14 section 8.53, relating to generally accepted accounting  
15 principles.

16 2. Notwithstanding section 12C.7, subsection 2,  
17 interest or earnings on moneys in the fund shall be  
18 credited to the fund.

19 3. a. Moneys in the fund in a fiscal year are  
20 appropriated to the Iowa finance authority to be  
21 used for grants for projects that create workforce  
22 housing or for projects that include adaptive reuse  
23 of buildings for workforce housing. For purposes of  
24 this section, "workforce housing" means housing that is  
25 affordable for a household whose income does not exceed  
26 one hundred twenty percent of the median income for the  
27 area.

28 b. Priority shall be given to the following types  
29 of projects:

30 (1) Projects that are eligible for historic  
31 preservation and cultural and entertainment district  
32 tax credits under section 404A.1.

33 (2) Projects for the construction of new  
34 single-family dwellings that incorporate one or more  
35 energy-efficient measures. The authority shall by  
36 rule identify the types of energy-efficient measures  
37 that will qualify a project for priority under this  
38 subparagraph.

39 (3) Projects that utilize new markets tax credits,  
40 established under the federal Community Renewal  
41 Tax Relief Act of 2000, Pub. L. No. 106-554, 114  
42 Stat. 2763A, and undertaken by a qualified community  
43 development entity, as defined in the federal Act.

44 (4) Projects that are located in an area where  
45 other state funding has been used to support the  
46 creation of new jobs.

47 c. In any fiscal year, an area shall not receive  
48 grants totaling more than twenty-five percent of the  
49 moneys expended from the fund in that fiscal year. For  
50 purposes of this paragraph, "area" means the same area

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1 used to determine the median income under paragraph  
2 "a".

3 4. Annually, on or before January 15 of each year,  
4 the authority shall report to the legislative services  
5 agency and the department of management the status of  
6 all projects that received moneys from the workforce  
7 housing assistance grant fund. The report shall  
8 include a description of each project, the progress  
9 of work completed, the total estimated cost of each

10 project, a list of all revenue sources being used to  
11 fund each project, the amount of funds expended, the  
12 amount of funds obligated, and the date each project  
13 was completed or an estimated completion date of each  
14 project, where applicable.

15 5. Payment of moneys from appropriations from the  
16 fund shall be made in a manner that does not adversely  
17 affect the tax exempt status of any outstanding bonds  
18 issued by the treasurer of state pursuant to section  
19 12.87.

20 6. The authority shall adopt rules pursuant to  
21 chapter 17A to administer this section.

22 Sec. 88. Section 20.19, Code 2009, is amended to  
23 read as follows:

24 20.19 Impasse procedures — agreement of parties.

25 As the first step in the performance of their duty  
26 to bargain, the public employer and the employee  
27 organization shall endeavor to agree upon impasse  
28 procedures. Such agreement shall provide for  
29 implementation of these impasse procedures not later  
30 than one hundred twenty days prior to the certified  
31 budget submission date of the public employer.  
32 However, if public employees represented by the  
33 employee organization are teachers licensed under  
34 chapter 272, and the public employer is a school  
35 district or area education agency, the agreement shall  
36 provide for implementation of impasse procedures not  
37 later than one hundred twenty days prior to May 31  
38 of the year when the collective bargaining agreement  
39 is to become effective. If the public employer is a  
40 community college, the agreement shall provide for  
41 implementation of impasse procedures not later than  
42 one hundred twenty days prior to May 31 of the year  
43 when the collective bargaining agreement is to become  
44 effective. If the public employer is not subject to  
45 the budget certification requirements of section 24.17  
46 and other applicable sections, the agreement shall  
47 provide for implementation of impasse procedures not  
48 later than one hundred twenty days prior to the date  
49 the next fiscal or budget year of the public employer  
50 commences. If the parties fail to agree upon impasse

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1 procedures under the provisions of this section, the  
2 impasse procedures provided in sections 20.20 to 20.22  
3 shall apply.

4 Sec. 89. Section 20.20, Code 2009, is amended to  
5 read as follows:

6 20.20 Mediation.

7 In the absence of an impasse agreement negotiated  
8 pursuant to section 20.19 or the failure of either



9 party to utilize its procedures, one hundred twenty  
10 days prior to the certified budget submission date,  
11 or one hundred twenty days prior to May 31 of the  
12 year when the collective bargaining agreement is to  
13 become effective if public employees represented  
14 by the employee organization are teachers licensed  
15 under chapter 272 and the public employer is a school  
16 district or area education agency, the board shall,  
17 upon the request of either party, appoint an impartial  
18 and disinterested person to act as mediator. If the  
19 public employer is a community college, and in the  
20 absence of an impasse agreement negotiated pursuant  
21 to section 20.19 or the failure of either party to  
22 utilize its procedures, one hundred twenty days prior  
23 to May 31 of the year when the collective bargaining  
24 agreement is to become effective, the board, upon the  
25 request of either party, shall appoint an impartial and  
26 disinterested person to act as mediator. If the public  
27 employer is not subject to the budget certification  
28 requirements of section 24.17 or other applicable  
29 sections and in the absence of an impasse agreement  
30 negotiated pursuant to section 20.19, or the failure  
31 of either party to utilize its procedures, one hundred  
32 twenty days prior to the date the next fiscal or budget  
33 year of the public employer commences, the board, upon  
34 the request of either party, shall appoint an impartial  
35 and disinterested person to act as a mediator. It  
36 shall be the function of the mediator to bring the  
37 parties together to effectuate a settlement of the  
38 dispute, but the mediator may not compel the parties  
39 to agree.

40 Sec. 90. Section 99B.12A, unnumbered paragraph 1,  
41 Code 2009, is amended to read as follows:  
42 An organization that is exempt from federal income  
43 taxes under section 501(c)(3), 501(c)(4), 501(c)(5),  
44 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or  
45 501(c)(19) of the Internal Revenue Code as defined  
46 in section 422.3, A person shall be authorized to  
47 conduct a bingo occasion without a license as otherwise  
48 required by this chapter if all of the following  
49 requirements are met:

50 Sec. 91. Section 99B.17, Code 2009, is amended to

Page 30

1 read as follows:

2 99B.17 Gambling on credit unlawful — exception.  
3 1. A person who tenders and a person who receives  
4 any promise, agreement, note, bill, bond, contract,  
5 mortgage or other security, or any negotiable  
6 instrument, as consideration for any wager or bet,  
7 whether or not lawfully conducted or engaged in

8 pursuant to this chapter, commits a misdemeanor.  
9 However, a participant in a bingo occasion or in a  
10 contest lawful under section 99B.11 may make payment  
11 by personal check for any entry or participation  
12 fee assessed by the sponsor of the bingo occasion or  
13 contest.

14 2. A participant in a raffle conducted by an  
15 eligible qualified organization may purchase raffle  
16 tickets by personal check, money order, bank check,  
17 cashier's check, electronic check, or debit card  
18 for one raffle conducted by the eligible qualified  
19 organization during a calendar year. The department  
20 shall adopt rules setting minimum standards concerning  
21 the purchase of raffle tickets as authorized by  
22 this subsection which shall ensure compliance with  
23 applicable federal law and for the protection of  
24 personal information consistent with payment card  
25 industry compliance regulations. For purposes of this  
26 subsection, an "eligible qualified organization" is  
27 a qualified organization that has conducted a raffle  
28 pursuant to section 99B.7 during the previous eight  
29 consecutive calendar years in which the net proceeds  
30 are distributed to a museum.

31 Sec. 92. Section 155A.6A, subsection 3, Code 2009,  
32 is amended to read as follows:

33 3. a. Beginning July 1, 2009, a person who is in  
34 the process of acquiring national certification as a  
35 pharmacy technician and who is in training to become a  
36 pharmacy technician shall register with the board as a  
37 pharmacy technician. The registration shall be issued  
38 for a period not to exceed one year and shall not be  
39 renewable.

40 b. A person who is registered as a pharmacy  
41 technician or a pharmacy technician trainee prior  
42 to January 1, 2010, who has worked as a pharmacy  
43 technician or pharmacy technician trainee for a minimum  
44 of two thousand hours in the previous eighteen months  
45 under the direction of a licensed pharmacist or who has  
46 received certification as a pharmacy technician through  
47 a certification program accredited by the national  
48 commission for certifying agencies, is exempt from  
49 meeting any examination requirement for registration  
50 pursuant to subsection 2.

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1 Sec. 93. Section 174.1, subsection 2, paragraphs b  
2 and c, Code 2009, are amended to read as follows:

3 b. The organization owns buildings and other  
4 improvements situated on the fairgrounds which have  
5 been specially constructed for purposes of conducting a  
6 fair event.

7 c. The market value of the fairgrounds and  
8 buildings and other improvements located on the  
9 fairgrounds is at least ~~eighty~~ twenty-five thousand  
10 dollars.

11 Sec. 94. Section 174.1, subsection 3, Code 2009, is  
12 amended to read as follows:

13 3. "Fair event" means an annual gathering of the  
14 public on fairgrounds that incorporates agricultural  
15 exhibits, demonstrations, shows, or competitions ~~and~~  
16 ~~which includes all of the following:~~

17 a. ~~Programs that include programs~~ or projects  
18 sponsored by 4-H clubs, future farmers of America, or  
19 the Iowa cooperative extension service in agriculture  
20 and home economics of Iowa state university. Other  
21 activities may include any of the following:

22 ~~b. a.~~ Commercial exhibits sponsored by  
23 manufacturers or other businesses.

24 ~~c. b.~~ Educational programs or exhibits sponsored  
25 by governmental entities or nonprofit organizations.

26 ~~d. c.~~ Competition in culinary arts, fine arts, or  
27 home craft arts.

28 Sec. 95. 2010 Iowa Acts, Senate File 2378, section  
29 20, subsection 1, if enacted, is amended to read as  
30 follows:

31 1. A public safety enforcement fund is created in  
32 the state treasury under the control of the treasurer  
33 of state. Notwithstanding section 602.8108, after  
34 the necessary amount is remitted for deposit in the  
35 Iowa prison infrastructure fund as provided in section  
36 602.8108A, the state court administrator shall allocate  
37 to the treasurer of state for deposit in the public  
38 safety enforcement fund the ~~first~~ next nine million  
39 one hundred thousand dollars of the moneys received  
40 under section 602.8108, subsection 2, during the fiscal  
41 year beginning July 1, 2010, and ending June 30, 2011.  
42 Moneys deposited into the fund are appropriated to  
43 the treasurer of state for allocation as provided in  
44 subsection 2.

45 Sec. 96. Section 232.188, subsection 5, paragraph  
46 b, unnumbered paragraph 1, Code 2009, is amended to  
47 read as follows:

48 Notwithstanding section 8.33, moneys designated for  
49 a project's decategorization services funding pool that  
50 remain unencumbered or unobligated at the close of the

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1 fiscal year shall not revert but shall remain available  
2 for expenditure as directed by the project's governance  
3 board for child welfare and juvenile justice systems  
4 enhancements and other purposes of the project ~~until~~  
5 ~~the close of the succeeding fiscal year and for the~~

6 next two succeeding fiscal years. Such moneys shall  
 7 be known as “carryover funding”. Moneys may be made  
 8 available to a funding pool from one or more of the  
 9 following sources:

10 Sec. 97. Section 256.7, subsection 29, Code  
 11 Supplement 2009, is amended to read as follows:

12 29. Adopt rules establishing nutritional content  
 13 standards for foods and beverages sold or provided on  
 14 the school grounds of any school district or accredited  
 15 nonpublic school during the school day exclusive of the  
 16 food provided by any federal school food program or  
 17 pursuant to an agreement with any agency of the federal  
 18 government in accordance with the provisions of chapter  
 19 283A, and exclusive of foods sold for fundraising  
 20 purposes and foods and beverages sold at concession  
 21 stands. The standards shall be consistent with the  
 22 dietary guidelines for Americans issued by the United  
 23 States department of agriculture food and nutrition  
 24 service. Nothing in this subsection shall prohibit a  
 25 local school district from adopting their own standards  
 26 for food and beverages sold or provided on the school  
 27 grounds during the school day, provided such standards  
 28 are not more restrictive than those implemented by the  
 29 department.

30 Sec. 98. Section 455A.13, Code 2009, is amended to  
 31 read as follows:

32 455A.13 State nurseries.

33 1. Notwithstanding section 17A.2, subsection 11,  
 34 paragraph “g”, the department of natural resources  
 35 shall adopt administrative rules establishing a range  
 36 of prices of plant material grown at the state forest  
 37 nurseries to cover all expenses related to the growing  
 38 of the plants. The department is authorized to sell  
 39 plant material in other states.

40 ~~1.~~ 2. The department shall develop programs to  
 41 encourage the wise management and preservation of  
 42 existing woodlands and shall continue its efforts to  
 43 encourage forestation and reforestation on private and  
 44 public lands in the state.

45 ~~2.~~ 3. The department shall encourage a cooperative  
 46 relationship between the state forest nurseries and  
 47 private nurseries in the state in order to achieve  
 48 these goals.

49 Sec. 99. Section 466B.4, subsection 2, Code  
 50 Supplement 2009, is amended to read as follows:

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- 1 2. Marketing campaign. The water resources
- 2 coordinating council shall develop a marketing campaign
- 3 to educate Iowans about the need to take personal
- 4 responsibility for the quality and quantity of water in

5 their local watersheds. The emphasis of the campaign  
6 shall be that not only is everyone responsible for  
7 clean water, but that everyone benefits from it as  
8 well, and that everyone is responsible for and benefits  
9 from reducing the risk for flooding and mitigating  
10 possible future flood damage. The goals of the  
11 campaign shall be to convince Iowans to take personal  
12 responsibility for clean water and reducing the risk of  
13 flooding and to equip them with the tools necessary to  
14 effect change through local water quality improvement to  
15 projects and better flood plain management and flood  
16 risk programs.

17 Sec. 100. NEW SECTION. 466B.12 Flood plain  
18 managers.

19 The council shall encourage and support the  
20 formation of a chapter of the association of state  
21 flood plain managers in Iowa that would provide a  
22 vehicle for local flood plain managers and flood plain  
23 planners to further pursue professional educational  
24 opportunities.

25 Sec. 101. NEW SECTION. 466B.13 Flood education.

26 The Iowa state university agricultural extension  
27 service, the council, and agency members of the council  
28 shall, to the extent feasible, work with flood plain  
29 and hydrology experts to educate the general public  
30 about flood plains, flood risks, and basic flood plain  
31 management principles. This educational effort shall  
32 include developing educational materials and programs  
33 in consultation with flood plain experts.

34 Sec. 102. Section 729.6, subsection 1, Code 2009,  
35 is amended by adding the following new paragraph:  
36 NEW PARAGRAPH. OOb. "Genetic services" means the  
37 same as defined in 29 U.S.C. § 1191b(d)(8).

38 Sec. 103. Section 729.6, subsection 1, paragraph c,  
39 Code 2009, as amended by 2010 Iowa Acts, Senate File  
40 2215, if enacted, is amended to read as follows:

41 c. "Genetic testing" means the same as genetic  
42 test as defined in 29 U.S.C. § 1191b(d)(7). "Genetic  
43 testing" does not mean routine physical measurement, a  
44 routine chemical, blood, or urine analysis, a biopsy,  
45 an autopsy, or clinical specimen obtained solely for  
46 the purpose of conducting an immediate clinical or  
47 diagnostic test to detect an existing disease, illness,  
48 impairment, or disorder, or a test for drugs or for  
49 human immunodeficiency virus infections.

50 Sec. 104. EFFECTIVE UPON ENACTMENT AND RETROACTIVE

Page 34

1 APPLICABILITY. The provision of this division of this  
2 Act amending section 155A.6A, subsection 3, being  
3 deemed of immediate importance, takes effect upon

4 enactment and applies retroactively to January 1, 2010.

5 DIVISION VIII

6 BICYCLES

7 Sec. 105. NEW SECTION. 321.281 Actions against  
8 bicyclists.

9 1. A person operating a motor vehicle shall not  
10 steer the motor vehicle unreasonably close to or toward  
11 a person riding a bicycle on a highway, including the  
12 roadway or the shoulder adjacent to the roadway.

13 2. A person shall not knowingly project any object  
14 or substance at or against a person riding a bicycle  
15 on a highway.

16 3. A person who violates this section commits a  
17 simple misdemeanor punishable as a scheduled violation  
18 under section 805.8A, subsection 14, paragraph "k".

19 Sec. 106. Section 805.8A, subsection 14, Code  
20 Supplement 2009, is amended by adding the following new  
21 paragraph:

22 NEW PARAGRAPH. k. Actions against a person on  
23 a bicycle. For violations under section 321.281 the  
24 scheduled fine is two hundred fifty dollars.

25 DIVISION IX

26 FIRE SUPPRESSION SYSTEMS

27 Sec. 107. Section 100.35, Code 2009, is amended to  
28 read as follows:

29 100.35 Rules of marshal.

30 1. The fire marshal shall adopt, and may amend  
31 rules under chapter 17A, which include standards  
32 relating to exits and exit lights, fire escapes,  
33 fire protection, fire safety and the elimination of  
34 fire hazards, in and for churches, schools, hotels,  
35 theaters, amphitheaters, hospitals, health care  
36 facilities as defined in section 135C.1, boarding homes  
37 or housing, rest homes, dormitories, college buildings,  
38 lodge halls, club rooms, public meeting places, places  
39 of amusement, apartment buildings, food establishments  
40 as defined in section 137F.1, and all other buildings  
41 or structures in which persons congregate from time to  
42 time, whether publicly or privately owned. Violation  
43 of a rule adopted by the fire marshal is a simple  
44 misdemeanor. However, upon proof that the fire marshal  
45 gave written notice to the defendant of the violation,  
46 and proof that the violation constituted a clear and  
47 present danger to life, and proof that the defendant  
48 failed to eliminate the condition giving rise to the  
49 violation within thirty days after receipt of notice  
50 from the fire marshal, the penalty is that provided

1 by law for a serious misdemeanor. Each day of the  
2 continuing violation of a rule after conviction of

3 a violation of the rule is a separate offense. A  
4 conviction is subject to appeal as in other criminal  
5 cases.  
6 2. Rules by the fire marshal affecting the  
7 construction of new buildings, additions to buildings  
8 or rehabilitation of existing buildings and related to  
9 fire protection, shall be substantially in accord with  
10 the provisions of the nationally recognized building  
11 and related codes adopted as the state building code  
12 pursuant to section 103A.7 or with codes adopted by  
13 a local subdivision which are in substantial accord  
14 with the codes comprising the state building code. The  
15 rules adopted by the fire marshal shall not require  
16 the installation of fire sprinklers or a related  
17 fire suppression system in a one-family or two-family  
18 residential dwelling or a residential building that  
19 contains no more than four dwelling units.

20 3. The rules adopted by the state fire marshal  
21 under this section shall provide standards for fire  
22 resistance of cellulose insulation sold or used in this  
23 state, whether for public or private use. The rules  
24 shall provide for approval of the cellulose insulation  
25 by at least one nationally recognized independent  
26 testing laboratory.

27 Sec. 108. Section 103A.7, subsection 2, paragraph  
28 d, Code Supplement 2009, is amended to read as follows:

29 d. Protection of the health, safety, and welfare  
30 of occupants and users. The rules adopted by the  
31 state building code commissioner shall not require  
32 the installation of fire sprinklers or a related  
33 fire suppression system in a one-family or two-family  
34 residential dwelling or a residential building that  
35 contains no more than four dwelling units.

36 Sec. 109. EFFECTIVE UPON ENACTMENT. This division  
37 of this Act, being deemed of immediate importance,  
38 takes effect upon enactment.

#### 39 DIVISION X

#### 40 RENEWABLE FUELS AND COPRODUCTS

41 Sec. 110. Section 159A.6, subsection 1, Code  
42 Supplement 2009, is amended to read as follows:

43 1. The office shall support education regarding,  
44 and promotion and advertising of, renewable fuels  
45 and coproducts. The office shall consult with the  
46 petroleum marketers and convenience stores of Iowa,  
47 the Iowa corn growers association, and the Iowa soybean  
48 association.

#### 49 DIVISION XI

#### 50 IDENTIFICATION OF WORKER MISCLASSIFICATION

1 Sec. 111. Section 421.17, Code 2009, is amended by

2 adding the following new subsection:  
 3 NEW SUBSECTION. 31. If the director has reason  
 4 to believe, as a result of an investigation or audit,  
 5 that a taxpayer may have misclassified workers, then  
 6 to assist the department of workforce development, the  
 7 director is authorized to provide to the department  
 8 of workforce development the following confidential  
 9 information with respect to such a taxpayer:  
 10 a. Withholding and payroll tax information.  
 11 b. The taxpayer's identity, including taxpayer  
 12 identification number and date of birth.  
 13 c. The results or most recent status of the audit  
 14 or investigation.  
 15 Sec. 112. Section 422.20, subsection 3, paragraph  
 16 a, Code 2009, is amended to read as follows:  
 17 a. Unless otherwise expressly permitted by section  
 18 8A.504, section 96.11, subsection 6, section 421.17,  
 19 subsections 22, 23, ~~and 26~~, and 31, sections 252B.9,  
 20 321.120, 421.19, 421.28, 422.72, and 452A.63, and  
 21 this section, a tax return, return information,  
 22 or investigative or audit information shall not be  
 23 divulged to any person or entity, other than the  
 24 taxpayer, the department, or internal revenue service  
 25 for use in a matter unrelated to tax administration.  
 26 Sec. 113. Section 422.72, subsection 3, paragraph  
 27 a, Code 2009, is amended to read as follows:  
 28 a. Unless otherwise expressly permitted by section  
 29 8A.504, section 96.11, subsection 6, section 421.17,  
 30 subsections 22, 23, ~~and 26~~, and 31, sections 252B.9,  
 31 321.120, 421.19, 421.28, 422.20, and 452A.63, and  
 32 this section, a tax return, return information,  
 33 or investigative or audit information shall not be  
 34 divulged to any person or entity, other than the  
 35 taxpayer, the department, or internal revenue service  
 36 for use in a matter unrelated to tax administration.  
 37 Sec. 114. EFFECTIVE UPON ENACTMENT. This division  
 38 of this Act, being deemed of immediate importance,  
 39 takes effect upon enactment.>

ROBERT E. DVORSKY

### S-5332

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 40, after line 29 by inserting:  
 4 <Sec. \_\_\_\_\_. Section 321.18, Code Supplement 2009, is  
 5 amended by adding the following new subsection:  
 6 NEW SUBSECTION. 10. Any trailer that is used  
 7 exclusively for the transportation, display, and  
 8 distribution of flags honoring deceased veterans in  
 9 parades or ceremonies held on Memorial Day, Veterans



10 Day, or other patriotic occasions as authorized by  
 11 resolution of the local government of the community  
 12 where the parade or ceremony takes place. A trailer  
 13 exempt from registration under this subsection shall  
 14 only be used on city streets or secondary roads on the  
 15 day of a parade or ceremony specified in the local  
 16 government's resolution, and a copy of the resolution  
 17 shall be carried at all times in the vehicle pulling  
 18 the trailer.>  
 19 2. By renumbering as necessary.

DAVID JOHNSON

**S-5333**

HOUSE AMENDMENT TO  
 SENATE FILE 2375

1 Amend Senate File 2375, as passed by the Senate, as  
 2 follows:  
 3 1. Page 3, by striking line 15 and inserting  
 4 ~~<prepaid authorization numbers services and prepaid~~  
 5 wireless calling services.>  
 6 2. Page 6, line 33, by striking ~~<knowingly or>~~

**S-5334**

HOUSE AMENDMENT TO  
 SENATE FILE 2356

1 Amend Senate File 2356, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by striking lines 2 through 17 and  
 4 inserting:  
 5 <IOWACARE PROGRAM AND OTHER HEALTH CARE OPTIONS>  
 6 2. Page 2, line 6, after ~~<network.>~~ by inserting  
 7 <In developing the phase-in plan the department shall  
 8 consult with the medical assistance projections and  
 9 assessment council created in section 249J.20. Any  
 10 plan developed shall be approved by the council prior  
 11 to implementation. The phase-in of the regional  
 12 provider network shall be implemented in a manner that  
 13 ensures that program expenditures do not exceed budget  
 14 neutrality limits and funded program capacity, and that  
 15 ensures compliance with the eligibility maintenance of  
 16 effort requirements of the federal American Recovery  
 17 and Reinvestment Act of 2009.>  
 18 3. Page 2, by striking lines 30 through 32 and  
 19 inserting ~~<such hospital has reached service capacity,~~  
 20 the hospital and the>  
 21 4. Page 4, by striking lines 7 through 16.  
 22 5. Page 5, after line 24 by inserting:

23 <Sec. \_\_\_\_ IOWACARE POPULATION — OPTIMIZATION  
 24 OF SERVICE DELIVERY AND OUTCOMES. The publicly owned  
 25 acute care teaching hospital located in a county  
 26 with a population over three hundred fifty thousand,  
 27 the federally qualified health center located in  
 28 such county, and the university of Iowa hospitals  
 29 and clinics shall actively collaborate to optimize  
 30 effective and efficient delivery of services that  
 31 result in the best possible outcomes for IowaCare  
 32 members.>

33 6. By striking page 5, line 25, through page 13,  
 34 line 5, and inserting:

35 <DIVISION II

36 IOWA INSURANCE INFORMATION EXCHANGE

37 Sec. \_\_\_\_ NEW SECTION. 505.32 Iowa insurance  
 38 information exchange.

39 1. Purpose. The purpose of this section is to  
 40 establish an information clearinghouse where all Iowans  
 41 can obtain information about health care coverage that  
 42 is available in this state including availability of  
 43 care delivered by safety-net providers and comparisons  
 44 of benefits, premiums, and out-of-pocket costs.

45 2. Definitions. As used in this section, unless  
 46 the context otherwise requires:

47 a. “Carrier” means an insurer providing accident  
 48 and sickness insurance under chapter 509, 514, or  
 49 514A and includes a health maintenance organization  
 50 established under chapter 514B if payments received

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1 by the health maintenance organization are considered  
 2 premiums pursuant to section 514B.31 and are taxed  
 3 under chapter 432. “Carrier” also includes a  
 4 corporation which becomes a mutual insurer pursuant  
 5 to section 514.23 and any other person as defined in  
 6 section 4.1, subsection 20, who is or may become liable  
 7 for the tax imposed by chapter 432.

8 b. “Commissioner” means the commissioner of  
 9 insurance.

10 c. “Creditable coverage” means the same as defined  
 11 in section 513B.2.

12 d. “Exchange” means the Iowa insurance information  
 13 exchange.

14 e. “Health insurance” means accident and sickness  
 15 insurance authorized by chapter 509, 514, or 514A.

16 f. (1) “Health insurance coverage” means health  
 17 insurance coverage offered to individuals.

18 (2) “Health insurance coverage” does not include any  
 19 of the following:

20 (a) Coverage for accident-only, or disability  
 21 income insurance.

- 22 (b) Coverage issued as a supplement to liability  
23 insurance.
- 24 (c) Liability insurance, including general  
25 liability insurance and automobile liability insurance.
- 26 (d) Workers' compensation or similar insurance.
- 27 (e) Automobile medical-payment insurance.
- 28 (f) Credit-only insurance.
- 29 (g) Coverage for on-site medical clinic care.
- 30 (h) Other similar insurance coverage, specified in  
31 federal regulations, under which benefits for medical  
32 care are secondary or incidental to other insurance  
33 coverage or benefits.
- 34 (3) "Health insurance coverage" does not include  
35 benefits provided under a separate policy as follows:
- 36 (a) Limited-scope dental or vision benefits.
- 37 (b) Benefits for long-term care, nursing home care,  
38 home health care, or community-based care.
- 39 (c) Any other similar limited benefits as provided  
40 by rule of the commissioner.
- 41 (4) "Health insurance coverage" does not include  
42 benefits offered as independent noncoordinated benefits  
43 as follows:
- 44 (a) Coverage only for a specified disease or  
45 illness.
- 46 (b) A hospital indemnity or other fixed indemnity  
47 insurance.
- 48 (5) "Health insurance coverage" does not include  
49 Medicare supplemental health insurance as defined under  
50 section 1882(g)(1) of the federal Social Security Act,

Page 3

- 1 coverage supplemental to the coverage provided under  
2 10 U.S.C. ch. 55 and similar supplemental coverage  
3 provided to coverage under group health insurance  
4 coverage.
- 5 g. "Legislative health care coverage commission" or  
6 "commission" means the legislative health care coverage  
7 commission created in 2009 Iowa Acts, ch. 118, section  
8 1.
- 9 h. "Medicare" means the federal government health  
10 insurance program established under Tit. XVIII of the  
11 federal Social Security Act.
- 12 i. "Organized delivery system" means an organized  
13 delivery system as licensed by the director of public  
14 health.
- 15 3. Iowa insurance information exchange  
16 established. An Iowa insurance information exchange is  
17 established in the insurance division of the department  
18 of commerce under the authority of the commissioner of  
19 insurance.
- 20 a. The commissioner, in collaboration with the

21 legislative health care coverage commission, shall  
22 develop a plan of operation for the exchange within  
23 one hundred eighty days from the effective date of  
24 this section. The plan shall create an information  
25 clearinghouse that provides resources where Iowans can  
26 obtain information about health care coverage that is  
27 available in the state.

28 b. The commissioner shall keep records of all  
29 financial transactions related to the establishment  
30 and operation of the exchange and shall deliver an  
31 annual fiscal report of the costs of administering the  
32 exchange to the general assembly by December 15 of each  
33 year.

34 4. Powers and duties of exchange.

35 a. The commissioner shall report on the status of  
36 the exchange at all regular meetings of the legislative  
37 health care coverage commission, including progress in  
38 developing and implementing the exchange operationally,  
39 resources available through the exchange, information  
40 about utilization of the resources offered by  
41 the exchange, including demographic information  
42 that illustrates how and by whom the exchange is  
43 being utilized, and the costs of implementing and  
44 operating the exchange. The commissioner may make  
45 recommendations to the commission for including but not  
46 limited to the following:

47 (1) Promotion of greater transparency in providing  
48 quality data on health care providers and health care  
49 coverage plans and in providing data on the cost of  
50 medical care that is easily accessible to the public.

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1 (2) Statutory options that improve seamlessness in  
2 the health care system in this state.

3 (3) Funding opportunities to increase health care  
4 coverage in the state, particularly for individuals who  
5 have been denied access to health insurance coverage.

6 b. The commissioner shall implement and maintain  
7 information on the insurance division internet site  
8 that is easily accessible and available to consumers  
9 and purchasers of health insurance coverage regarding  
10 each carrier licensed to do business in this state.  
11 The information provided shall be understandable to  
12 consumers and purchasers of health insurance coverage  
13 and shall include but is not limited to information  
14 regarding plan design, premium rate filings and  
15 approvals, health care cost information, and any  
16 other information specific to this state that the  
17 commissioner determines may be beneficial to consumers  
18 and purchasers of health insurance coverage. The  
19 commissioner may contract with outside vendors and

20 entities to assist in providing this information on the  
21 internet site.

22 c. The exchange shall provide information about  
23 all public and private health care coverage that is  
24 available in this state including the cost to the  
25 public, and comparisons of benefits, premiums, and  
26 out-of-pocket costs.

27 (1) The commissioner may establish methodologies  
28 to provide uniform and consistent side-by-side  
29 comparisons of the health care coverage options that  
30 are offered by carriers, organized delivery systems,  
31 and public programs in this state including but not  
32 limited to benefits covered and not covered, the  
33 amount of coverage for each service, including copays  
34 and deductibles, administrative costs, and any prior  
35 authorization requirements for coverage.

36 (2) The commissioner may require each carrier,  
37 organized delivery system, and public program in this  
38 state to describe each health care coverage option  
39 offered by that carrier, organized delivery system, or  
40 public program in a manner so that the various options  
41 can be compared as provided in subparagraph (1).

42 d. The commissioner shall provide ongoing  
43 information to taxpayers about the costs of public  
44 health care programs to the state, including the  
45 administrative costs of the programs and the percentage  
46 and source of state and federal funding for the  
47 programs, utilizing information provided by the  
48 department of human services and the department of  
49 public health.

50 e. The exchange may provide information to assist

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1 Iowans with making an informed choice when selecting  
2 health care coverage.

3 f. The commissioner may utilize independent  
4 consultants, as deemed necessary, to assist in carrying  
5 out the powers and duties of the exchange.

6 g. The commissioner may periodically advertise  
7 the general availability of health care coverage  
8 information available from the exchange.

9 5. Rules. The commissioner shall adopt rules  
10 pursuant to chapter 17A to implement the provisions of  
11 this section.>

12 7. Title page, by striking lines 1 through 4 and  
13 inserting <An Act relating to the health care including  
14 IowaCare program provisions and the creation of an Iowa  
15 insurance information exchange to promote transparency,  
16 quality, seamlessness, and informed choices relative  
17 to health care coverage.>

18 8. By renumbering as necessary.

**S-5335**HOUSE AMENDMENT TO  
SENATE FILE 2201

1 Amend Senate File 2201, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 2, after line 29 by inserting:  
4 <Sec. \_\_\_. Section 505.7, Code Supplement 2009, is  
5 amended by adding the following new subsection:  
6 NEW SUBSECTION. 10. a. The commissioner shall  
7 assess the costs of carrying out the insurance  
8 division's duties pursuant to section 505.8, subsection  
9 18, section 505.17, subsection 2, and sections 505.18  
10 and 505.19 that are directly attributable to the  
11 performance of the division's duties involving specific  
12 health insurance carriers licensed to do business in  
13 this state. Such expenses shall be charged to and paid  
14 by the specific health insurance carrier to whom the  
15 expenses are attributable and upon failure or refusal  
16 of any such carrier to pay such expenses, the same may  
17 be recovered in an action brought in the name of the  
18 state. In addition, the commissioner may revoke the  
19 certificate of authority of a health insurance carrier  
20 licensed to do business in this state that fails to pay  
21 such expenses attributable to that carrier.  
22 b. The commissioner shall assess the costs of  
23 carrying out the insurance division's duties generally  
24 pursuant to section 505.8, subsection 18, section  
25 505.17, subsection 2, and sections 505.18 and 505.19,  
26 and for implementation and maintenance of health  
27 insurance information for consumers on the insurance  
28 division internet site, that are not attributable to  
29 a specific health insurance carrier, to all health  
30 insurance carriers that are licensed to do business  
31 in this state on a proportionate basis as provided by  
32 rules adopted by the commissioner.  
33 Sec. \_\_\_. Section 505.8, Code Supplement 2009, is  
34 amended by adding the following new subsection:  
35 NEW SUBSECTION. 18. The commissioner shall  
36 annually convene a work group composed of the consumer  
37 advocate, health insurance carriers, health care  
38 providers, small employers that purchase health  
39 insurance under chapter 513B, and individual consumers  
40 in the state for the purpose of considering ways  
41 to reduce the cost of providing health insurance  
42 coverage and health care services, including but  
43 not limited to utilization of uniform billing codes,  
44 improvements to provider credentialing procedures,  
45 reducing out-of-state care expenses, annually assessing  
46 the impact of federal health care reform legislation  
47 on health care costs in the state and determining

48 whether such legislation has reduced the cost of  
49 health insurance in the state, and the electronic  
50 delivery of explanation of benefits statements. The

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1 recommendations made by the work group shall be  
2 included in the annual report filed with the general  
3 assembly pursuant to section 505.18.

4 Sec. \_\_\_\_ Section 505.17, Code 2009, is amended to  
5 read as follows:

6 505.17 Confidential information.

7 1. a. Information, records, and documents utilize  
8 for the purpose of, or in the course of, investigation,  
9 regulation, or examination of an insurance company or  
10 insurance holding company, received by the division  
11 from some other governmental entity which treats such  
12 information, records, and documents as confidential,  
13 are confidential and shall not be disclosed by the  
14 division and are not subject to subpoena. Such  
15 information, records, and documents do not constitute a  
16 public record under chapter 22.

17 b. The disclosure of confidential information,  
18 administrative or judicial orders which contain  
19 confidential information, or information regarding  
20 other action of the division which is not a public  
21 record subject to disclosure, to other insurance and  
22 financial regulatory officials may be permitted by  
23 the commissioner provided that those officials are  
24 subject to, or agree to comply with, standards of  
25 confidentiality comparable to those imposed on the  
26 commissioner.

27 2. Notwithstanding subsection 1, an application for  
28 a rate increase filed by a health insurance carrier and  
29 all information, records, and documents accompanying  
30 such an application or utilized for the purpose of,  
31 or in the course of consideration of the application  
32 by the commissioner, shall constitute a public record  
33 under chapter 22 except as provided in this subsection.

34 a. The commissioner shall consider the written  
35 request of a health insurance carrier to keep  
36 confidential certain details of an application or  
37 accompanying information, records, and documents. If  
38 the request includes a sufficient explanation as to why  
39 public disclosure of such details would give an unfair  
40 advantage to competitors, the commissioner shall keep  
41 such details confidential. If the commissioner elects  
42 to keep certain details confidential, the commissioner  
43 shall release only the nonconfidential details in  
44 response to a request for records made pursuant to  
45 chapter 22. If confidential details are withheld from  
46 a request for records made pursuant to chapter 22, the

47 commissioner shall release an explanation of why the  
48 information was deemed confidential and a summary of  
49 the nature of the information withheld and the reasons  
50 for withholding the information.

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1 b. In considering requests for confidential  
2 treatment, the commissioner shall narrowly construe the  
3 provisions of this subsection in order to appropriately  
4 balance an applicant's need for confidentiality  
5 against the public's right to information about the  
6 application.

7 c. The commissioner shall adopt rules establishing  
8 a process relating to requests to keep information  
9 confidential pursuant to this subsection which may  
10 include but are not limited to the following:

11 (1) The nature and extent of competition in the  
12 applicant's industry sector or service territory.

13 (2) The likelihood of adverse financial impact to  
14 the applicant if the information were to be released.

15 (3) Any other factor the commissioner reasonably  
16 considers relevant.

17 Sec. \_\_\_\_ NEW SECTION. 505.18 Annual report.

18 1. Consumers deserve to know the quality and cost  
19 of their health care insurance. Health care insurance  
20 transparency provides consumers with the information  
21 necessary, and the incentive, to choose health plans  
22 based on cost and quality. Reliable cost and quality  
23 information about health care insurance empowers  
24 consumer choice and consumer choice creates incentives  
25 at all levels, and motivates the entire health care  
26 delivery system to provide better health care and  
27 health care benefits at a lower cost. It is the  
28 purpose of this section to make information regarding  
29 the costs of health care insurance readily available to  
30 consumers through the consumer advocate bureau of the  
31 insurance division.

32 2. The commissioner in collaboration with the  
33 consumer advocate shall prepare and deliver a report  
34 to the governor and to the general assembly no later  
35 than November 15 of each year that provides findings  
36 regarding health spending costs for health insurance  
37 plans in the state for the previous fiscal year.

38 The commissioner may contract with outside vendors  
39 or entities to assist in providing the information  
40 contained in the annual report. The report shall  
41 provide, at a minimum, the following information:

42 a. Aggregate health insurance data concerning loss  
43 ratios of health insurance carriers licensed to do  
44 business in the state.

45 b. Rate increase data.



46 c. Health care expenditures in the state and the  
47 effect of such expenditures on health insurance premium  
48 rates.

49 d. A ranking and quantification of those factors  
50 that result in higher costs and those factors that

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1 result in lower costs for each health insurance plan  
2 offered in the state.

3 e. The current capital and surplus and reserve  
4 amounts held in reserve by each health insurance  
5 carrier licensed to do business in the state.

6 f. A listing of any apparent medical trends  
7 affecting health insurance costs in the state.

8 g. Any additional data or analysis deemed  
9 appropriate by the commissioner to provide the  
10 general assembly with pertinent health insurance cost  
11 information.

12 h. Recommendations made by the work group convened  
13 pursuant to section 505.8, subsection 18.

14 Sec. \_\_\_\_ NEW SECTION. 505.19 Health insurance  
15 rate increase applications — public hearing and  
16 comment.

17 1. All health insurance carriers licensed to  
18 do business in the state shall immediately notify  
19 policyholders of any application for a rate increase  
20 exceeding the average annual health spending growth  
21 rate stated in the most recent national health  
22 expenditure projection published by the centers for  
23 Medicare and Medicaid services of the United States  
24 department of health and human services, that is  
25 filed with the insurance division. Such notice shall  
26 specify the rate increase proposed that is applicable  
27 to each policyholder and shall include the ranking and  
28 quantification of those factors that are responsible  
29 for the amount of the rate increase proposed. The  
30 notice shall include information about how the  
31 policy holder can contact the consumer advocate for  
32 assistance.

33 2. The commissioner shall hold a public hearing at  
34 the time a carrier files for proposed health insurance  
35 rate increases exceeding the average annual health  
36 spending growth rate as provided in subsection 1,  
37 prior to approval or disapproval of the proposed rate  
38 increases for that carrier by the commissioner.

39 3. The consumer advocate shall solicit public  
40 comments on each proposed health insurance rate  
41 increase application if the increase exceeds the  
42 average annual health spending growth rate as provided  
43 in subsection 1, and shall post without delay all  
44 comments received on the insurance division's internet

45 site prior to approval or disapproval of the proposed  
46 rate increase by the commissioner.  
47 4. The consumer advocate shall present the public  
48 testimony and comments received for consideration by  
49 the commissioner in determining whether to approve  
50 or disapprove such health insurance rate increase

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1 proposals.  
2 4A. a. For the purposes of this section, "health  
3 insurance" does not include any of the following:  
4 (1) Coverage for accident-only, or disability  
5 income insurance.  
6 (2) Coverage issued as a supplement to liability  
7 insurance.  
8 (3) Liability insurance, including general  
9 liability insurance and automobile liability insurance.  
10 (4) Workers' compensation or similar insurance.  
11 (5) Automobile medical-payment insurance.  
12 (6) Credit-only insurance.  
13 (7) Coverage for on-site medical clinic care.  
14 (8) Other similar insurance coverage, specified in  
15 federal regulations, under which benefits for medical  
16 care are secondary or incidental to other insurance  
17 coverage or benefits.  
18 b. For the purposes of this section, "health  
19 insurance" does not include benefits provided under a  
20 separate policy as follows:  
21 (1) Limited scope dental or vision benefits.  
22 (2) Benefits for long-term care, nursing home care,  
23 home health care, or community-based care.  
24 (3) Any other similar limited benefits as provided  
25 by rule of the commissioner.  
26 c. For the purposes of this section, "health  
27 insurance" does not include benefits offered as  
28 independent noncoordinated benefits as follows:  
29 (1) Coverage only for a specified disease or  
30 illness.  
31 (2) A hospital indemnity or other fixed indemnity  
32 insurance.  
33 d. For the purposes of this section, "health  
34 insurance" does not include Medicare supplemental  
35 health insurance as defined under § 1882(g)(1) of the  
36 federal Social Security Act, coverage supplemental  
37 to the coverage provided under 10 U.S.C. ch. 55, and  
38 similar supplemental coverage provided to coverage  
39 under group health insurance coverage.  
40 5. The commissioner shall adopt rules pursuant  
41 to chapter 17A to implement the provisions of this  
42 section.>  
43 2. Page 11, after line 9, by inserting:

44 <Sec. \_\_\_\_ NEW SECTION. 514C.26 Mental illness and  
45 substance abuse treatment coverage for veterans.  
46 1. Notwithstanding the uniformity of treatment  
47 requirements of section 514C.6, a group policy  
48 or contract providing for third-party payment or  
49 prepayment of health or medical expenses issued by  
50 a carrier, as defined in section 513B.2, or by an

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1 organized delivery system authorized under 1993 Iowa  
2 Acts, chapter 158, shall provide coverage benefits to  
3 an insured who is a veteran for treatment of mental  
4 illness and substance abuse if either of the following  
5 is satisfied:  
6 a. The policy or contract is issued to an employer  
7 who on at least fifty percent of the employer's working  
8 days during the preceding calendar year employed  
9 more than fifty full-time equivalent employees.  
10 In determining the number of full-time equivalent  
11 employees of an employer, employers who are affiliated  
12 or who are able to file a consolidated tax return for  
13 purposes of state taxation shall be considered one  
14 employer.  
15 b. The policy or contract is issued to a small  
16 employer as defined in section 513B.2, and such  
17 policy or contract provides coverage benefits for the  
18 treatment of mental illness and substance abuse.  
19 2. Notwithstanding the uniformity of treatment  
20 requirements of section 514C.6, a plan established  
21 pursuant to chapter 509A for public employees shall  
22 provide coverage benefits to an insured who is a  
23 veteran for treatment of mental illness and substance  
24 abuse as defined in subsection 3.  
25 3. For purposes of this section:  
26 a. "Mental illness" means mental disorders as  
27 defined by the commissioner by rule.  
28 b. "Substance abuse" means a pattern of pathological  
29 use of alcohol or a drug that causes impairment in  
30 social or occupational functioning, or that produces  
31 physiological dependency evidenced by physical  
32 tolerance or by physical symptoms when the alcohol or  
33 drug is withdrawn.  
34 c. "Veteran" means the same as defined in section  
35 35.1.  
36 4. The commissioner, by rule, shall define "mental  
37 illness" consistent with definitions provided in  
38 the most recent edition of the American psychiatric  
39 association's diagnostic and statistical manual of  
40 mental disorders, as the definitions may be amended  
41 from time to time. The commissioner may adopt the  
42 definitions provided in such manual by reference.

43 5. This section shall not apply to accident only,  
44 specified disease, short-term hospital or medical,  
45 hospital confinement indemnity, credit, dental, vision,  
46 Medicare supplement, long-term care, basic hospital  
47 and medical-surgical expense coverage as defined  
48 by the commissioner, disability income insurance  
49 coverage, coverage issued as a supplement to liability  
50 insurance, workers' compensation or similar insurance,

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1 or automobile medical payment insurance, or individual  
2 accident and sickness policies issued to individuals or  
3 to individual members of a member association.

4 6. A carrier, organized delivery system, or plan  
5 established pursuant to chapter 509A may manage the  
6 benefits provided through common methods including  
7 but not limited to providing payment of benefits  
8 or providing care and treatment under a capitated  
9 payment system, prospective reimbursement rate system,  
10 utilization control system, incentive system for the  
11 use of least restrictive and least costly levels of  
12 care, a preferred provider contract limiting choice of  
13 specific providers, or any other system, method, or  
14 organization designed to assure services are medically  
15 necessary and clinically appropriate.

16 7. a. A group policy or contract or plan covered  
17 under this section shall not impose an aggregate annual  
18 or lifetime limit on mental illness or substance abuse  
19 coverage benefits unless the policy or contract or  
20 plan imposes an aggregate annual or lifetime limit  
21 on substantially all medical and surgical coverage  
22 benefits.

23 b. A group policy or contract or plan covered  
24 under this section that imposes an aggregate annual  
25 or lifetime limit on substantially all medical  
26 and surgical coverage benefits shall not impose an  
27 aggregate annual or lifetime limit on mental illness  
28 or substance abuse coverage benefits which is less  
29 than the aggregate annual or lifetime limit imposed  
30 on substantially all medical and surgical coverage  
31 benefits.

32 8. A group policy or contract or plan covered  
33 under this section shall at a minimum allow for  
34 thirty inpatient days and fifty-two outpatient visits  
35 annually. The policy or contract or plan may also  
36 include deductibles, coinsurance, or copayments,  
37 provided the amounts and extent of such deductibles,  
38 coinsurance, or copayments applicable to other medical  
39 or surgical services coverage under the policy or  
40 contract or plan are the same. It is not a violation  
41 of this section if the policy or contract or plan

42 excludes entirely from coverage benefits for the cost  
43 of providing the following:  
44 a. Care that is substantially custodial in nature.  
45 b. Services and supplies that are not medically  
46 necessary or clinically appropriate.  
47 c. Experimental treatments.  
48 9. This section applies to third-party payment  
49 provider policies or contracts and plans established  
50 pursuant to chapter 509A delivered, issued for

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1 delivery, continued, or renewed in this state on or  
2 after January 1, 2011.>  
3 3. Page 16, by striking lines 9 through 27.  
4 4. Page 18, after line 31 by inserting:  
5 <Sec. \_\_. 2009 Iowa Acts, chapter 118, section 1,  
6 is amended by adding the following new subsection:  
7 NEW SUBSECTION. 6A. The commission shall also  
8 complete an annual review of the cost of health  
9 insurance mandates currently imposed on health  
10 insurance regulated by the state and provide  
11 projections of the cost of any mandates that the  
12 commission determines may be considered by the general  
13 assembly during the upcoming legislative session. The  
14 review and projections shall be included in the annual  
15 reports provided by the commission to the general  
16 assembly pursuant to this section.  
17 Sec. \_\_. EFFECTIVE UPON ENACTMENT. The following  
18 provisions of this Act, being deemed of immediate  
19 importance, take effect upon enactment:  
20 1. The section of this Act enacting section 505.7,  
21 subsection 10.  
22 2. The section of this Act enacting section 505.8,  
23 subsection 18.  
24 3. The section of this Act amending section 505.17.  
25 4. The sections of this Act enacting sections  
26 505.18 and 505.19.  
27 5. The section of this Act amending 2009 Iowa Acts,  
28 chapter 118, section 1.  
29 5. Title page, line 4, after <Act,> by inserting <a  
30 health care and insurance cost work group, applications  
31 for health insurance rate increases, an internet  
32 consumer guide,>  
33 6. Title page, line 5, after <associations,> by  
34 inserting <special health and accident insurance  
35 coverages,>  
36 7. Title page, line 9, after <applicable> by  
37 inserting <and including effective date provisions>  
38 8. By renumbering as necessary.

**S-5336**HOUSE AMENDMENT TO  
SENATE FILE 2265

- 1 Amend Senate File 2265, as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 6, after <decisions> by inserting  
4 <, except that a state agency, local government, or  
5 other public entity applying any of the following  
6 principles shall not implement or undertake a planning,  
7 zoning, development, or resources management decision  
8 that involves the use of eminent domain authority under  
9 chapter 6A or 6B>
- 10 2. Page 2, line 17, by striking <environmentally  
11 sensitive land,>
- 12 3. Page 3, by striking lines 1 through 11 and  
13 inserting:
- 14 <a. (1) "Development" means any of the following:  
15 (a) Construction, reconstruction, renovation,  
16 mining, extraction, dredging, filling, excavation, or  
17 drilling activity or operation.  
18 (b) Man-made changes in the use or appearance of  
19 any structure or in the land itself.  
20 (c) The division or subdivision of land.  
21 (d) Any change in the intensity of use or the use  
22 of land.  
23 (2) "Development" does not include any of the  
24 following:  
25 (a) Activities on or uses of agricultural land,  
26 farm houses, or agricultural buildings or structures,  
27 unless such buildings or structures are located in the  
28 flood plain of a river or stream.  
29 (b) Installation, operation, and maintenance of  
30 soil and water conservation practices.  
31 (c) The choice of crops or a change in the choice  
32 of crops on agricultural land.>
- 33 4. By striking page 5, line 34, through page 6,  
34 line 4, and inserting <resources.>
- 35 5. Page 6, line 17, after <municipality> by  
36 inserting <or that pose a risk of catastrophic damage>
- 37 6. Page 6, line 19, by striking <consistent with>  
38 and inserting <after considering>
- 39 7. Page 7, after line 2 by inserting:  
40 <3. A municipality's comprehensive plan developed  
41 using the guidelines under this section shall address  
42 prevention and mitigation of, response to, and recovery  
43 from a catastrophic flood.>
- 44 8. Page 12, line 35, by striking <twenty-seven> and  
45 inserting <twenty-nine>
- 46 9. Page 13, line 4, by striking <Thirteen> and  
47 inserting <Fourteen>

48 10. Page 13, after line 32 by inserting:  
49 <(14) The chairperson of the utilities board within  
50 the utilities division of the department of commerce or

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1 the chairperson's designee.>  
2 11. Page 13, by striking lines 33 and 34 and  
3 inserting:  
4 <b. Chairperson of the department of community  
5 and regional planning at Iowa state university or the  
6 chairperson's designee.>  
7 12. Page 14, after line 13 by inserting:  
8 <Oj. President of the executive committee of the  
9 school administrators of Iowa or the president's  
10 designee.>  
11 13. Page 14, line 16, by striking <latest  
12 preceding> and inserting <2000>  
13 14. Page 14, line 19, by striking <latest  
14 preceding> and inserting <2000>  
15 15. Page 14, line 23, by striking <latest  
16 preceding> and inserting <2000>  
17 16. Page 14, line 26, by striking <latest  
18 preceding> and inserting <2000>  
19 17. Page 14, line 29, by striking <latest  
20 preceding> and inserting <2000>  
21 18. Page 14, line 33, by striking <latest  
22 preceding> and inserting <2000>  
23 19. Page 15, line 13, after <governor.> by  
24 inserting <For the members of the task force designated  
25 in subsection 2, paragraphs "j" through "o", at least  
26 one member shall have experience in real estate,  
27 at least one member shall have experience in land  
28 development, and at least one member shall have  
29 experience in residential construction.>  
30 20. Page 15, by striking line 32 and inserting:  
31 <8. The director of the department of management,  
32 or the director's designee,>  
33 21. Page 16, after line 1 by inserting:  
34 <8A. The director of the department of management,  
35 or the director's designee, shall seek funding to  
36 support municipal comprehensive planning in this  
37 state.>  
38 22. Page 16, line 3, by striking <rebuild Iowa  
39 office> and inserting <department of management>  
40 23. Page 16, line 22, after <conduct> by inserting  
41 <local and regional>  
42 24. Page 16, by striking lines 29 and 30 and  
43 inserting:  
44 <g. Review municipal comprehensive plans to  
45 determine the number of such plans that address the  
46 hazards identified in section 18B.2, subsection 2,

47 paragraph “k”, and the adequacy of such plans in  
 48 addressing those hazards.  
 49 h. Develop a set of recommendations that is  
 50 consistent with>

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1 25. Page 17, before line 17 by inserting:  
 2 <i. (1) Develop a model ordinance for the  
 3 regulation of a two-tenths percent floodplain  
 4 by political subdivisions. The model ordinance  
 5 shall include a definition of the term “two-tenths  
 6 percent floodplain” as applicable to the ordinance’s  
 7 provisions.  
 8 (2) The taskforce may consider all of the following  
 9 in the model ordinance:  
 10 (a) Requirements for the purchase of flood  
 11 insurance for property.  
 12 (b) Requirements for new development or  
 13 modification or improvement of existing development to  
 14 mitigate the effects of future flooding.  
 15 (c) The effect of flood control levees.  
 16 (d) The use of fill and offsets required for the  
 17 use of fill.  
 18 (e) Categories of development that should be  
 19 prohibited.  
 20 (f) Interaction with regulations by the federal  
 21 emergency management agency.  
 22 (g) Any other issues that the taskforce finds  
 23 should be addressed in the model ordinance.>  
 24 26. Page 17, after line 20 by inserting:  
 25 <12. The task force is dissolved on December 31,  
 26 2012.>  
 27 27. By renumbering, redesignating, and correcting  
 28 internal references as necessary.

### S-5337

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 42, after line 25 by inserting:  
 4 <DIVISION \_\_  
 5 DOG RACETRACKS — STUDY  
 6 Sec. \_\_. RACING AND GAMING COMMISSION — DOG  
 7 RACETRACKS STUDY. The racing and gaming commission  
 8 shall study and issue a report on the viability of  
 9 pari-mutuel dog racetracks in this state to include  
 10 what, if any, economic impact greyhound racing has  
 11 on the economy of the state and whether greyhound  
 12 racing has fulfilled the purpose of facilitating the  
 13 development and promotion of greyhound racing in the  
 14 state. The report shall include the number of Iowa



15 employees, payroll wages, and employment benefits, if  
 16 any, of registered Iowa owners, breeders, and kennels,  
 17 as verified by state payroll tax filings. The report  
 18 shall include current and past numbers of registered  
 19 owners, registered kennels, registered greyhounds,  
 20 and the disbursement of purse supplement moneys to  
 21 Iowa-registered owners and kennels as compared to  
 22 out-of-state owners and kennels, and the status of  
 23 greyhound racing in the United States to include the  
 24 number of track closures. The report shall also detail  
 25 the current generation of revenue to the state from  
 26 live greyhound racing as compared to the cost incurred  
 27 by licensees of dog racetracks for conducting live  
 28 greyhound racing. The commission is authorized to hire  
 29 a consultant to assist in the development of the study  
 30 and preparation of the report. On or before January  
 31 1, 2011, the commission shall file a report which  
 32 contains the results of the study with the governor and  
 33 the general assembly. The cost of the report shall be  
 34 assessed on a proportionate basis to the dog racetracks  
 35 located in Dubuque and Pottawattamie counties.>  
 36 2. By renumbering as necessary.

WALLY E. HORN

### S-5338

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 40, after line 29 by inserting:  
 4 <Sec. \_\_\_\_ Section 314.17, as amended by 2010 Iowa  
 5 Acts, House File 2458, if enacted, is amended by adding  
 6 the following new subsections:  
 7 NEW SUBSECTION. 7. Within fifty feet of a drainage  
 8 tile or tile intake.  
 9 NEW SUBSECTION. 8. For access to a mailbox or for  
 10 other accessibility purposes.  
 11 NEW SUBSECTION. 9. On rights-of-way adjacent to  
 12 agricultural demonstration or research plots.>  
 13 2. By renumbering as necessary.

DICK L. DEARDEN

### S-5339

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 31, after line 23 by inserting:  
 4 <Sec. \_\_\_\_ RENEWABLE BIOMASS. It is the intent of  
 5 the general assembly that the Iowa power fund board  
 6 and the department of economic development use moneys  
 7 appropriated to the Iowa power fund and the department

8 of economic development to encourage projects utilizing  
 9 biomass made from renewable biomass to produce inputs  
 10 for agricultural purposes that replace products that  
 11 are produced using fossil fuels as the raw materials.  
 12 The projects shall include but not be limited to  
 13 products such as anhydrous ammonia.>  
 14 2. By renumbering as necessary.

BILL HECKROTH  
 RICH OLIVE  
 NANCY J. BOETTGER

**S-5340**

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 46, after line 5 by inserting:  
 4 <DIVISION \_\_\_\_  
 5 CHOICE OF HEALTH CARE  
 6 Sec. \_\_\_\_ . NEW SECTION. 1.19 Right to choose health  
 7 care.  
 8 No law shall restrict a person's natural right and  
 9 power to secure the blessings of liberty to choose  
 10 private health care systems or private health care  
 11 plans. No law shall interfere with the right of a  
 12 person or entity to pay for lawful medical services  
 13 to preserve life or health, and no law shall impose a  
 14 penalty, tax, fee, or fine, of any type, for declining  
 15 or failing to contract for health care coverage or for  
 16 declining or failing to participate in any particular  
 17 health care system or plan, except as required by a  
 18 court of law where an individual or entity is a named  
 19 party in a legal dispute. Nothing in this section  
 20 shall be construed to expand, limit, or otherwise  
 21 modify any determination of law regarding what  
 22 constitutes lawful medical services within the state  
 23 of Iowa.>  
 24 2. By renumbering as necessary.

BRAD ZAUN  
 STEVE KETTERING  
 SHAWN HAMERLINCK  
 JAMES F. HAHN  
 RANDY FEENSTRA  
 NANCY J. BOETTGER  
 KIM REYNOLDS  
 TIM L. KAPUCIAN  
 RON WIECK  
 DAVID JOHNSON  
 MERLIN BARTZ  
 DAVID HARTSUCH  
 JAMES A. SEYMOUR

JERRY BEHN  
PAUL MCKINLEY

**S-5341**

1 Amend House File 2531, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. By striking page 1, line 19, through page 2,  
4 line 1, and inserting:

5 <1. For the budget process applicable to the fiscal  
6 year beginning July 1, 2011, on or before October 1,  
7 2010, in lieu of the information specified in section  
8 8.23, subsection 1, unnumbered paragraph 1, and  
9 paragraph "a", all departments and establishments of  
10 state government shall transmit to the director of the  
11 department of management, in a format specified by the  
12 director, budgetary information utilizing a zero-base  
13 system.

14 2. Each department and establishment of state  
15 government shall provide objective measurements for  
16 each program, service, and function administered by the  
17 department or establishment and shall report on the  
18 measurements and other results to the general assembly  
19 every two years. The initial report shall be submitted  
20 on or before December 15, 2011, and cover the period  
21 beginning July 1, 2009, and ending June 30, 2011.

22 3. Each department and establishment of state  
23 government shall submit to the governor and general  
24 assembly at the time the budgetary information is  
25 submitted under subsection 1 a listing of the programs  
26 and duties that could be outsourced to private vendors  
27 and an explanation as to why the outsourcing has not  
28 occurred. Each department and establishment shall  
29 implement outsourcing of the programs that can be  
30 outsourced under applicable law and the outsourcing  
31 shall be completed on or before July 1, 2011.>

32 2. Page 6, after line 29 by inserting:

33 <Sec. \_\_\_\_\_. Section 8.22A, Code 2009, is amended by  
34 adding the following new subsection:

35 NEW SUBSECTION. 6. The revenue estimating  
36 conference shall utilize all relevant information to  
37 agree on a separate estimate of the rate of inflation  
38 for the fiscal year in progress and the succeeding  
39 fiscal year.

40 Sec. \_\_\_\_\_. Section 8.54, subsection 3, Code 2009, is  
41 amended to read as follows:

42 3. Except as otherwise provided in this section,  
43 the state general fund expenditure limitation for  
44 a fiscal year shall be ninety-nine percent of the  
45 adjusted revenue estimate. However, any percentage  
46 increase in the state general fund expenditure  
47 limitation amount calculated for a fiscal year over the

48 limitation amount for the previous fiscal year shall  
 49 not exceed the rate of inflation for the fiscal year as  
 50 agreed to by the revenue estimating pursuant to section

Page 2

1 8.22A, subsection 6.>  
 2 3. By renumbering as necessary.

RANDY FEENSTRA

**S-5342**

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 38, after line 11 by inserting:  
 4 <Sec. \_\_. NEW SECTION. 103.1A Term “commercial”  
 5 applied.  
 6 1. Whenever the term “commercial” is used in  
 7 this chapter, it shall refer to a use, installation,  
 8 structure, or premises associated with a place of  
 9 business where goods, wares, services, or merchandise  
 10 is stored or offered for sale on a wholesale or retail  
 11 basis.  
 12 2. The term “commercial” refers to a residence only  
 13 if the residence is also used as place of business as  
 14 provided in subsection 1.  
 15 3. The term “commercial” does not refer to a use,  
 16 installation, structure, or premises associated with  
 17 any of the following:  
 18 a. A farm.  
 19 b. An industrial installation.  
 20 Sec. \_\_. Section 103.22, subsection 7, Code  
 21 Supplement 2009, is amended to read as follows:  
 22 7. Prohibit an owner of property from performing  
 23 work on the owner’s principal residence, if such  
 24 residence is an existing dwelling rather than new  
 25 construction and is not an apartment that is attached  
 26 to any other apartment or building, as those terms are  
 27 defined in section 499B.2, and is not larger than a  
 28 single-family dwelling, ~~or farm property, excluding~~  
 29 ~~commercial or industrial installations or installations~~  
 30 ~~in public use buildings or facilities,~~ or require  
 31 such owner to be licensed under this chapter. In  
 32 order to qualify for inapplicability pursuant to this  
 33 subsection, a residence shall qualify for the homestead  
 34 tax exemption.  
 35 Sec. \_\_. Section 103.22, Code Supplement 2009, is  
 36 amended by adding the following new subsection:  
 37 NEW SUBSECTION. 15. Apply to a person performing  
 38 any installation on a farm, if the person is associated  
 39 with the farm as a holder of a legal or equitable

40 interest, a relative or employee of the holder, or  
 41 an operator or manager of the farm. The provisions  
 42 of this chapter do not require such person to be  
 43 licensed. In addition, a permit is not required for  
 44 an installation on a farm, and an installation on a  
 45 farm is not required to be inspected. In order for  
 46 a farm building to qualify under this subsection, it  
 47 cannot regularly be open to the public as a place of  
 48 business for the retail sale of goods, wares, services,  
 49 or merchandise.>  
 50 2. By renumbering as necessary.

MERLIN BARTZ  
 JERRY BEHN  
 NANCY J. BOETTGER  
 RANDY FEENSTRA  
 JAMES F. HAHN  
 SHAWN HAMERLINCK  
 DAVID HARTSUCH  
 HUBERT HOUSER  
 DAVID JOHNSON  
 TIM L. KAPUCIAN  
 STEVE KETTERING  
 PAUL MCKINLEY  
 LARRY NOBLE  
 KIM REYNOLDS  
 JAMES A. SEYMOUR  
 PAT WARD  
 RON WIECK  
 BRAD ZAUN

### S-5343

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 39, after line 18 by inserting:  
 4 <Sec. \_\_\_\_. Section 237.3, subsection 2, paragraph  
 5 f, Code Supplement 2009, is amended to read as follows:  
 6 f. Housing, health, safety, and medical care  
 7 policies for children receiving child foster care. The  
 8 medical care policies shall include but are not limited  
 9 to all of the following:  
 10 (1) Provision by the department to the foster care  
 11 provider at or before the time of a child's placement  
 12 of the child's health records and any other information  
 13 possessed or known about the health of the child or  
 14 about a member of the child's family that pertains to  
 15 the child's health.  
 16 (2) If the health records supplied in accordance  
 17 with the child's case permanency plan to the foster  
 18 care provider are incomplete or the provider requests  
 19 specific health information, provision for obtaining

20 additional health information from the child's  
 21 parent or other source and supplying the additional  
 22 information to the foster care provider.

23 (3) Provision for emergency health coverage of  
 24 the child while the child is engaged in temporary  
 25 out-of-state travel with the child's foster family.  
 26 Sec. \_\_\_\_ Section 237.3, subsection 2, paragraph  
 27 k, subparagraph (1), Code Supplement 2009, is amended  
 28 to read as follows:

29 (1) Receiving information prior to the child's  
 30 placement regarding risk factors concerning the child  
 31 that are known to the department, including but not  
 32 limited to notice if the child is required to register  
 33 under chapter 692A.>

34 2. By renumbering as necessary.

STEVEN J. SODDERS

## S-5344

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 46, after line 5 by inserting:

4 <DIVISION \_\_\_\_

5 WORKPLACE ACCOMMODATIONS

6 Sec. \_\_\_\_ NEW SECTION. 91F.1 Short title.

7 This chapter shall be known and may be cited as the  
 8 "Family Friendly Workplace Act".

9 Sec. \_\_\_\_ NEW SECTION. 91F.2 Definitions.

10 1. "Employer" means a person engaged in a business  
 11 who has one or more employees and also includes the  
 12 state of Iowa, a department or agency thereof, and any  
 13 political subdivision of the state.

14 2. "Reasonable efforts" means any effort that would  
 15 not impose an undue hardship on the operation of the  
 16 employer's business.

17 3. "Undue hardship" means any action that requires  
 18 significant difficulty, compromises the safety of other  
 19 employees, requires temporary facility closure, or  
 20 results in expenditures exceeding five hundred dollars,  
 21 exclusive of the costs of additional labor or unpaid  
 22 leave costs.

23 Sec. \_\_\_\_ NEW SECTION. 91F.3 Right to express  
 24 breast milk in workplace — private location.

25 1. An employer shall provide reasonable unpaid  
 26 break time or permit an employee to use paid break  
 27 time, meal time, or both, each day, to allow the  
 28 employee to express breast milk for the employee's  
 29 nursing child for up to two years after the child's  
 30 birth.

31 2. The employer shall make reasonable efforts  
 32 to provide a place, other than a toilet stall, which

33 is shielded from view and free from intrusion from  
 34 coworkers and the public, that may be used by an  
 35 employee to express breast milk in privacy.  
 36 3. An employer who makes reasonable efforts  
 37 to accommodate an employee who chooses to express  
 38 breast milk in the workplace shall be deemed to be in  
 39 compliance with the requirements of this section.  
 40 4. The department of workforce development shall  
 41 provide on its internet site information and links  
 42 to other internet sites where employers can access  
 43 information regarding methods to accommodate employees  
 44 who express breast milk in the workplace. The  
 45 department shall consult with appropriate organizations  
 46 or associations to determine the appropriate  
 47 information and internet site links so as to provide  
 48 employers with the most accurate and useful information  
 49 available.  
 50 Sec. \_\_\_\_. Section 91.5, Code 2009, is amended to

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1 read as follows:  
 2 91.5 Other duties — jurisdiction in general.  
 3 The commissioner shall have jurisdiction and it  
 4 shall be the commissioner's duty to supervise the  
 5 enforcement of:  
 6 1. All laws relating to safety appliances  
 7 and inspection thereof and health conditions in  
 8 manufacturing and mercantile establishments, workshops,  
 9 machine shops, other industrial concerns within the  
 10 commissioner's jurisdiction and sanitation and shelter  
 11 for railway employees.  
 12 2. All laws of the state relating to child labor.  
 13 3. All laws relating to employment agencies.  
 14 4. All laws relating to expressing breast milk in  
 15 the workplace.  
 16 ~~4. 5.~~ Such other provisions of law as are now  
 17 or shall hereafter be within the commissioner's  
 18 jurisdiction.>  
 19 2. By renumbering as necessary.

PAM JOCHUM  
 DARYL BEALL

**S-5345**

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 46, after line 5 by inserting:  
 4 <DIVISION \_\_\_\_  
 5 INCOME TAX CHECKOFFS  
 6 Sec. \_\_\_\_. Section 235A.2, subsection 1, Code 2009,

7 is amended to read as follows:

8 1. A child abuse prevention program fund is  
 9 created in the state treasury under the control of the  
 10 department of human services. The fund is composed of  
 11 moneys appropriated or available to and obtained or  
 12 accepted by the treasurer of state for deposit in the  
 13 fund. The fund shall include moneys transferred to  
 14 the fund as provided in section ~~422.12K~~ 422.12F. All  
 15 interest earned on moneys in the fund shall be credited  
 16 to and remain in the fund. Section 8.33 does not apply  
 17 to moneys in the fund.

18 Sec. \_\_. NEW SECTION. 422.12F Income tax checkoff  
 19 for child abuse prevention program fund.

20 1. A person who files an individual or a joint  
 21 income tax return with the department of revenue under  
 22 section 422.13 may designate one dollar or more to be  
 23 paid to the child abuse prevention program fund created  
 24 in section 235A.2. If the refund due on the return or  
 25 the payment remitted with the return is insufficient to  
 26 pay the additional amount designated by the taxpayer  
 27 to the child abuse prevention program fund, the  
 28 amount designated shall be reduced to the remaining  
 29 amount remitted with the return. The designation of a  
 30 contribution to the child abuse prevention program fund  
 31 under this section is irrevocable.

32 2. The director of revenue shall draft the income  
 33 tax form to allow the designation of contributions  
 34 to the child abuse prevention program fund on the  
 35 tax return. The department of revenue, on or before  
 36 January 31, shall transfer the total amount designated  
 37 on the tax return forms due in the preceding calendar  
 38 year to the child abuse prevention program fund.  
 39 However, before a checkoff pursuant to this section  
 40 shall be permitted, all liabilities on the books of  
 41 the department of administrative services and accounts  
 42 identified as owing under section 8A.504 and the  
 43 political contribution allowed under section 68A.601  
 44 shall be satisfied.

45 3. The department of human services may authorize  
 46 payment of moneys from the child abuse prevention  
 47 program fund, in accordance with section 235A.2.

48 4. The department of revenue shall adopt rules to  
 49 administer this section.

50 5. This section is subject to repeal under section

Page 2

1 422.12E.

2 Sec. \_\_. NEW SECTION. 422.12G Joint income tax  
 3 refund checkoff for veterans trust fund and volunteer  
 4 fire fighter preparedness fund.

5 1. A person who files an individual or a joint



6 income tax return with the department of revenue under  
 7 section 422.13 may designate one dollar or more to  
 8 be paid jointly to the veterans trust fund created  
 9 in section 35A.13 and to the volunteer fire fighter  
 10 preparedness fund created in section 100B.13. If the  
 11 refund due on the return or the payment remitted with  
 12 the return is insufficient to pay the additional amount  
 13 designated by the taxpayer, the amount designated  
 14 shall be reduced to the remaining amount of refund or  
 15 the remaining amount remitted with the return. The  
 16 designation of a contribution under this section is  
 17 irrevocable.

18 2. The director of revenue shall draft the income  
 19 tax form to allow the designation of contributions  
 20 to the veterans trust fund and to the volunteer fire  
 21 fighter preparedness fund as one checkoff on the  
 22 tax return. The department of revenue, on or before  
 23 January 31, shall transfer one-half of the total  
 24 amount designated on the tax return forms due in the  
 25 preceding calendar year to the veterans trust fund and  
 26 the remaining one-half to the volunteer fire fighter  
 27 preparedness fund. However, before a checkoff pursuant  
 28 to this section shall be permitted, all liabilities on  
 29 the books of the department of administrative services  
 30 and accounts identified as owing under section 8A.504  
 31 and the political contribution allowed under section  
 32 68A.601 shall be satisfied.

33 3. The department of revenue shall adopt rules to  
 34 administer this section.

35 4. This section is subject to repeal under section  
 36 422.12E.

37 Sec. \_\_\_. REPEAL. Section 422.12L, Code 2009, is  
 38 repealed.

39 Sec. \_\_\_. REPEAL. Section 422.12K, Code Supplement  
 40 2009, is repealed.

41 Sec. \_\_\_. RETROACTIVE APPLICABILITY. This division  
 42 of this Act applies retroactively to January 1, 2010,  
 43 for tax years beginning on or after that date.

#### DIVISION \_\_

#### VENTURE CAPITAL TAX CREDIT —

#### COMMUNITY-BASED SEED CAPITAL FUND

47 Sec. \_\_\_. Section 422.11F, subsection 1, Code 2009,  
 48 is amended by striking the subsection.

49 Sec. \_\_\_. Section 422.33, subsection 12, paragraph  
 50 a, Code Supplement 2009, is amended by striking the

1 paragraph.

2 Sec. \_\_\_. Section 422.60, subsection 5, paragraph  
 3 a, Code Supplement 2009, is amended by striking the

4 paragraph.

- 5 Sec. \_\_\_\_ Section 432.12C, subsection 1, Code 2009,  
6 is amended by striking the subsection.
- 7 Sec. \_\_\_\_ Section 533.329, subsection 2, paragraph  
8 h, Code Supplement 2009, is amended by striking the  
9 paragraph.
- 10 Sec. \_\_\_\_ REPEAL. Sections 15E.41, 15E.42, 15E.43,  
11 15E.44, 15E.45, and 15E.46, Code 2009, are repealed.
- 12 Sec. \_\_\_\_ TAX CREDIT CERTIFICATE VALIDITY. Tax  
13 credit certificates issued for future tax years for  
14 investments made on or before July 1, 2010, under  
15 the provisions repealed in this division of this Act  
16 are valid and may be claimed by a taxpayer after the  
17 effective date of this division of this Act in the tax  
18 year stated on the certificate.>
- 19 2. By renumbering as necessary.

JOE BOLKCOM

**S-5346**

- 1 Amend House File 2531, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 37, after line 11 by inserting:  
4 <Sec. \_\_\_\_ Section 29A.103A, if enacted by 2010  
5 Iowa Acts, Senate File 2318, is amended to read as  
6 follows:  
7 29A.103A Professional liability insurance.  
8 An obligation or liability of a service member to  
9 pay a premium for professional liability insurance  
10 coverage shall be stayed for the service member during  
11 military service, or the payment of professional  
12 liability insurance coverage of a service member for  
13 the period of military service shall be refunded, and  
14 the service member shall be allowed to continue  
15 coverage and resume payment upon completion of military  
16 service, without penalty.>
- 17 2. By renumbering as necessary.

STEVE WARNSTADT

**S-5347**

- 1 Amend House File 2531, as amended, passed, and  
2 reprinted by the House, as follows:
- 3 1. Page 46, after line 5 by inserting:  
4 <DIVISION \_\_\_\_  
5 WAIVER OF PENALTIES AND INTEREST  
6 Sec. \_\_\_\_ WAIVER OF PENALTIES AND INTEREST —  
7 DISASTER-RELATED LOSSES — REFUNDS.  
8 1. Notwithstanding sections 421.8, 421.27, and  
9 422.25, if a taxpayer has filed a return for tax year  
10 2008 relying in good faith on the expectation that the

11 state of Iowa would conform to the federal treatment  
 12 of disaster-related casualty losses under section  
 13 165(h) of the Internal Revenue Code, as modified by  
 14 the Heartland Disaster Relief Act of 2008, Pub. L.  
 15 No. 110–343, in computing net income for state tax  
 16 purposes, the director of revenue shall, for any  
 17 taxpayer amending the return in the time permitted by  
 18 statute, waive any penalty or interest due as a result  
 19 of either a failure to timely pay the tax due or the  
 20 filing of a defective or incorrect return.

21 2. If, prior to the effective date of this division  
 22 of this Act, a taxpayer paid penalties or interest as a  
 23 result of a good-faith reliance on the state conforming  
 24 to section 165(h) of the Internal Revenue Code, the  
 25 department of revenue shall refund such penalties and  
 26 interest to the taxpayer.

27 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
 28 APPLICABILITY. This division of this Act, being deemed  
 29 of immediate importance, takes effect upon enactment  
 30 and applies retroactively to January 1, 2008, for  
 31 tax years beginning on or after that date and before  
 32 January 1, 2009.>

33 2. By renumbering as necessary.

ROBERT M. HOGG

## S-5348

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 38, after line 28 by inserting:  
 4 <Sec. \_\_\_\_ Section 157.8, subsection 2, Code 2009,  
 5 is amended to read as follows:

6 2. a. The number of instructors for each school  
 7 shall be based upon total enrollment, with a minimum  
 8 of two licensed instructors employed on a full-time  
 9 basis for up to thirty students and an additional  
 10 licensed instructor for each fifteen additional  
 11 students. ~~However, a~~ A student instructor shall not  
 12 be used to meet licensed instructor-to-student ratios.  
 13 A school operated by an area community college prior  
 14 to September 1, 1982, with only one instructor per  
 15 fifteen students is not subject to this paragraph  
 16 and may continue to operate with the ratio of one  
 17 licensed instructor to fifteen students and a student  
 18 instructor shall not be used to meet this requirement.

19 b. A school with less than thirty enrolled  
 20 students may have one licensed instructor on site in  
 21 the school if offering only clinic services or only  
 22 theory instruction in a single classroom and less than  
 23 fifteen students are present. If a school is offering  
 24 clinic services and theory instruction simultaneously

25 to less than fifteen students, at least two licensed  
 26 instructors must be on site. Schools with more than  
 27 thirty enrolled students shall meet the licensed  
 28 instructor-to-student ratio as provided in paragraph  
 29 “a”.

30 ~~a. c.~~ A person employed as an instructor in  
 31 the cosmetology arts and sciences by a licensed  
 32 school shall be licensed in the practice and shall  
 33 possess a separate instructor’s license which shall  
 34 be renewed biennially. An instructor shall file an  
 35 application with the department on forms prescribed  
 36 by the board. ~~Prior to licensure, an applicant for~~  
 37 ~~an instructor’s license shall have been actively~~  
 38 ~~engaged in the practice for a period of two years and~~  
 39 ~~complete a course of study required by the board or~~  
 40 ~~an instructor’s course at a school for cosmetology~~  
 41 ~~arts and sciences, and meet any other requirement~~  
 42 ~~established by the board. Requirements for licensure~~  
 43 as an instructor shall be determined by the board by  
 44 rule.

45 ~~b. d.~~ The application for an instructor’s license  
 46 shall be accompanied by the biennial fee determined  
 47 pursuant to section 147.80.>

48 2. By renumbering as necessary.

STEVEN J. SODDERS

## S-5349

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 46, after line 5 by inserting:

4 <DIVISION \_\_\_\_

5 IOWA PUBLIC INFORMATION BOARD

6 <Sec. \_\_\_\_ Section 21.6, subsection 3, paragraph d,  
 7 Code 2009, is amended to read as follows:

8 d. Shall issue an order removing a member of a  
 9 governmental body from office if that member has  
 10 engaged in a prior violation of this chapter for which  
 11 damages were assessed against the member during the  
 12 member’s term. In making this determination, the court  
 13 shall recognize violations for which damages were  
 14 assessed by the Iowa public information board created  
 15 in section 23.3.

16 Sec. \_\_\_\_ Section 22.10, subsection 3, paragraph d,  
 17 Code 2009, is amended to read as follows:

18 d. Shall issue an order removing a person from  
 19 office if that person has engaged in a prior violation  
 20 of this chapter for which damages were assessed against  
 21 the person during the person’s term. In making this  
 22 determination, the court shall recognize violations  
 23 for which damages were assessed by the Iowa public

24 information board created in section 23.3.

25 Sec. \_\_. NEW SECTION. 23.1 Citation and purpose.

26 This chapter may be cited as the “Iowa Public  
27 Information Board Act”. The purpose of this chapter  
28 is to provide an alternative means by which to secure  
29 compliance with and enforcement of the requirements of  
30 chapters 21 and 22 through the provision by the Iowa  
31 public information board to all interested parties of  
32 an efficient, informal, and cost-effective process for  
33 resolving disputes.

34 Sec. \_\_. NEW SECTION. 23.2 Definitions.

35 1. “Board” means the Iowa public information board  
36 created in section 23.3.

37 2. “Complainant” means a person who files a  
38 complaint with the board.

39 3. “Complaint” means a written and signed document  
40 filed with the board alleging a violation of chapter  
41 21 or 22.

42 4. “Custodian” means a government body, government  
43 official, or government employee designated as the  
44 lawful custodian of a government record pursuant to  
45 section 22.1.

46 5. “Government body” means the same as defined in  
47 section 22.1.

48 6. “Person” means an individual, partnership,  
49 association, corporation, legal representative,  
50 trustee, receiver, custodian, government body, or

Page 2

1 official, employee, agency, or political subdivision of  
2 this state.

3 7. “Respondent” means any agency or other unit  
4 of state or local government, custodian, government  
5 official, or government employee who is the subject of  
6 a complaint.

7 Sec. \_\_. NEW SECTION. 23.3 Board appointed.

8 1. An Iowa public information board is created  
9 consisting of five members appointed by the governor,  
10 subject to confirmation by the senate. Membership  
11 shall be balanced as to political affiliation as  
12 provided in section 69.16 and gender as provided in  
13 section 69.16A. Members appointed to the board shall  
14 serve staggered, four-year terms, beginning and ending  
15 as provided by section 69.19. A quorum shall consist  
16 of three members.

17 2. A vacancy on the board shall be filled by the  
18 governor by appointment for the unexpired part of the  
19 term. A board member may be removed from office by the  
20 governor for good cause. The board shall select one  
21 of its members to serve as chair and shall employ a  
22 director who shall serve as the executive officer of

23 the board.

24 Sec. \_\_\_\_ NEW SECTION. 23.4 Compensation and  
25 expenses.

26 Board members shall be paid a per diem as specified  
27 in section 7E.6 and shall be reimbursed for actual and  
28 necessary expenses incurred while on official board  
29 business. Per diem and expenses shall be paid from  
30 funds appropriated to the board.

31 Sec. \_\_\_\_ NEW SECTION. 23.5 Election of remedies.

32 1. An aggrieved person, any taxpayer to or citizen  
33 of this state, the attorney general, or any county  
34 attorney may seek enforcement of the requirements of  
35 chapters 21 and 22 by electing either to file an action  
36 pursuant to section 17A.19, 21.6, or 22.10, whichever  
37 is applicable, or in the alternative, to file a timely  
38 complaint with the board.

39 2. If more than one person seeks enforcement of  
40 chapter 21 or 22 with respect to the same incident  
41 involving an alleged violation, and one or more of  
42 such persons elects to do so by filing an action under  
43 section 17A.19, 21.6, or 22.10 and one or more of such  
44 persons elects to do so by filing a timely complaint  
45 with the board, the court in which the action was filed  
46 shall dismiss the action without prejudice, authorizing  
47 the complainant to file a complaint with respect to  
48 the same incident with the board without regard to the  
49 timeliness of the filing of the complaint at the time  
50 the action in court is dismissed.

Page 3

1 3. If a person files an action pursuant to section  
2 22.8 seeking to enjoin the inspection of a public  
3 record, the respondent or person requesting access to  
4 the record which is the subject of the request for  
5 injunction may remove the proceeding to the board for  
6 its determination by filing, within thirty days of the  
7 commencement of the judicial proceeding, a complaint  
8 with the board alleging a violation of chapter 22 in  
9 regard to the same matter.

10 Sec. \_\_\_\_ NEW SECTION. 23.6 Board powers and  
11 duties.

12 The board shall have all of the following powers and  
13 duties:

14 1. Employ such employees as are necessary to  
15 execute its authority, including administrative law  
16 judges, and attorneys to prosecute respondents in  
17 proceedings before the board and to represent the board  
18 in proceedings before a court. Notwithstanding section  
19 8A.412, all of the board's employees, except for the  
20 executive director and attorneys, shall be employed  
21 subject to the merit system provisions of chapter 8A,

22 subchapter IV.

23 2. Adopt rules with the force of law pursuant to  
24 chapter 17A calculated to implement, enforce, and  
25 interpret the requirements of chapters 21 and 22 and to  
26 implement any authority delegated to the board by this  
27 chapter.

28 3. Issue, consistent with the requirements of  
29 section 17A.9, declaratory orders with the force of law  
30 determining the applicability of chapter 21 or 22 to  
31 specified fact situations and issue informal advice to  
32 any person concerning the applicability of chapters 21  
33 and 22.

34 4. Receive complaints alleging violations of  
35 chapter 21 or 22, seek resolution of such complaints  
36 through informal assistance or through mediation and  
37 settlement, formally investigate such complaints,  
38 decide after such an investigation whether there is  
39 probable cause to believe a violation of chapter 21  
40 or 22 has occurred, and if probable cause has been  
41 found prosecute the respondent before the board in a  
42 contested case proceeding conducted according to the  
43 provisions of chapter 17A.

44 5. Request and receive from a government body  
45 assistance and information as necessary in the  
46 performance of its duties. The board may examine  
47 a record of a government body that is the subject  
48 matter of a complaint, including any record that is  
49 confidential by law. Confidential records provided  
50 to the board by a governmental body shall continue

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1 to maintain their confidential status. Any member or  
2 employee of the board is subject to the same policies  
3 and penalties regarding the confidentiality of the  
4 document as an employee of the government body.

5 6. Issue subpoenas enforceable in court for the  
6 purpose of investigating complaints and to facilitate  
7 the prosecution and conduct of contested cases before  
8 the board.

9 7. After appropriate board proceedings, issue  
10 orders with the force of law, determining whether there  
11 has been a violation of chapter 21 or 22, requiring  
12 compliance with specified provisions of those chapters,  
13 imposing civil penalties equivalent to and to the same  
14 extent as those provided for in section 21.6 or 22.10,  
15 as applicable, on a respondent who has been found in  
16 violation of chapter 21 or 22, and imposing any other  
17 appropriate remedies calculated to declare, terminate,  
18 or remediate any violation of those chapters.

19 8. Represent itself in judicial proceedings  
20 to enforce or defend its orders and rules through

21 attorneys on its own staff, through the office of the  
22 attorney general, or through other attorneys retained  
23 by the board, at its option.

24 9. Make training opportunities available to lawful  
25 custodians, government bodies, and other persons  
26 subject to the requirements of chapters 21 and 22 and  
27 require, in its discretion, appropriate persons who  
28 have responsibilities in relation to chapters 21 and 22  
29 to receive periodic training approved by the board.

30 10. Disseminate information calculated to inform  
31 members of the public about the public's right to  
32 access government information in this state including  
33 procedures to facilitate this access and including  
34 information relating to the obligations of government  
35 bodies under chapter 21 and lawful custodians under  
36 chapter 22 and other laws dealing with this subject.

37 11. Prepare and transmit to the governor and to the  
38 general assembly, at least annually, reports describing  
39 complaints received, board proceedings, investigations,  
40 hearings conducted, decisions rendered, and other work  
41 performed by the board.

42 12. Make recommendations to the governor and the  
43 general assembly by proposing legislation relating  
44 to issues involving public access to meetings of a  
45 governmental body and to records of a government body  
46 including but not limited to recommendations relating  
47 to the following issues:

- 48 a. The categorization of government records.
- 49 b. Public employment applications.
- 50 c. Information unduly invading personal privacy

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1 including personal information on mailing lists and  
2 opt-in provisions relating to such lists and personal  
3 information in confidential personnel records of a  
4 government body.

5 d. Tentative, preliminary, or draft material.

6 e. Serial meetings of less than a majority of a  
7 governmental body.

8 f. Definitions of what constitutes a governmental  
9 body for purposes of chapter 21 and what constitutes a  
10 government body for purposes of chapter 22.

11 13. Aid the general assembly in evaluating the  
12 impact of legislation affecting public access to  
13 government information.

14 14. Conduct public hearings, conferences,  
15 workshops, and other meetings as necessary to address  
16 problems and suggest solutions concerning access to  
17 government information and proceedings.

18 15. Review the collection, maintenance, and use of  
19 government records by lawful custodians to ensure that



20 confidential records and information are handled to  
21 adequately protect personal privacy interests.  
22 Sec. \_\_\_\_ NEW SECTION. 23.7 Filing of complaints  
23 with the board.

24 1. The board shall adopt rules with the force  
25 of law and pursuant to chapter 17A providing for the  
26 timing, form, content, and means by which any aggrieved  
27 person, any taxpayer to or citizen of this state,  
28 the attorney general, or any county attorney may file  
29 a complaint with the board alleging a violation of  
30 chapter 21 or 22. The complaint must be filed within  
31 sixty days from the time the alleged violation occurred  
32 or the complainant could have become aware of the  
33 violation with reasonable diligence. All complaints  
34 filed with the board shall be public records.

35 2. All board proceedings in response to the filing  
36 of a complaint shall be conducted as expeditiously as  
37 possible.

38 3. The board shall not charge a complainant any  
39 fee in relation to the filing of a complaint, the  
40 processing of a complaint, or any board proceeding or  
41 judicial proceeding resulting from the filing of a  
42 complaint.

43 Sec. \_\_\_\_ NEW SECTION. 23.8 Initial processing of  
44 complaint.

45 Upon receipt of a complaint alleging a violation  
46 of chapter 21 or 22, the board shall do either of the  
47 following:

48 1. Determine that, on its face, the complaint  
49 is within the board's jurisdiction, appears legally  
50 sufficient, and could have merit. In such a case the

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1 board shall accept the complaint, and shall notify the  
2 parties of that fact in writing.

3 2. Determine that, on its face, the complaint is  
4 outside its jurisdiction, is legally insufficient, is  
5 frivolous, is without merit, involves harmless error,  
6 or relates to a specific incident that has previously  
7 been finally disposed of on its merits by the board or  
8 a court. In such a case the board shall decline to  
9 accept the complaint. If the board refuses to accept a  
10 complaint, the board shall provide the complainant with  
11 a written order explaining its reasons for the action.

12 Sec. \_\_\_\_ NEW SECTION. 23.9 Informal assistance —  
13 mediation and settlement.

14 1. After accepting a complaint, the board shall  
15 promptly work with the parties through its employees  
16 to reach an informal, expeditious resolution of the  
17 complaint. If an informal resolution satisfactory to  
18 the parties cannot be reached, the board or the board's

19 designee shall offer the parties an opportunity to  
20 resolve the dispute through mediation and settlement.

21 2. The mediation and settlement process shall  
22 enable the complainant to attempt to resolve the  
23 dispute with the aid of a neutral mediator employed and  
24 selected by the board, in its discretion, from either  
25 its own staff or an outside source.

26 3. Mediation shall be conducted as an informal,  
27 nonadversarial process and in a manner calculated  
28 to help the parties reach a mutually acceptable and  
29 voluntary settlement agreement. The mediator shall  
30 assist the parties in identifying issues and shall  
31 foster joint problem solving and the exploration of  
32 settlement alternatives.

33 Sec. \_\_\_\_ NEW SECTION. 23.10 Enforcement.

34 1. If any party declines mediation or settlement or  
35 if mediation or settlement fails to resolve the matter  
36 to the satisfaction of all parties, the board shall  
37 initiate a formal investigation concerning the facts  
38 and circumstances set forth in the complaint. The  
39 board shall, after an appropriate investigation, make  
40 a determination as to whether the complaint is within  
41 the board's jurisdiction and whether there is probable  
42 cause to believe that the facts and circumstances  
43 alleged in the complaint constitute a violation of  
44 chapter 21 or 22.

45 2. If the board finds the complaint is outside the  
46 board's jurisdiction or there is no probable cause to  
47 believe there has been a violation of chapter 21 or 22,  
48 the board shall issue a written order explaining the  
49 reasons for the board's conclusions and dismissing the  
50 complaint, and shall transmit a copy to the complainant

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1 and to the party against whom the complaint was filed.

2 3. a. If the board finds the complaint is within  
3 the board's jurisdiction and there is probable cause  
4 to believe there has been a violation of chapter 21  
5 or 22, the board shall issue a written order to that  
6 effect and shall commence a contested case proceeding  
7 under chapter 17A against the respondent. An attorney  
8 selected by the director of the board shall prosecute  
9 the respondent in the contested case proceeding. At  
10 the termination of the contested case proceeding the  
11 board shall, by a majority vote of its members, render  
12 a final decision as to the merits of the complaint. If  
13 the board finds that the complaint has merit, the board  
14 may issue any appropriate order to ensure enforcement  
15 of chapter 21 or 22 including but not limited to  
16 an order requiring specified action or prohibiting  
17 specified action and any appropriate order to remedy

18 any failure of the respondent to observe any provision  
19 of those chapters.

20 b. If the board determines, by a majority vote of  
21 its members, that the respondent has violated chapter  
22 21 or 22, the board may also do any or all of the  
23 following:

24 (1) Require the respondent to pay damages as  
25 provided for in section 21.6 or 22.10, whichever is  
26 applicable, to the extent that provision would make  
27 such damages payable if the complainant had sought to  
28 enforce a violation in court instead of through the  
29 board.

30 (2) Void any action taken in violation of chapter  
31 21 if a court would be authorized to do so in similar  
32 circumstances pursuant to section 21.6.

33 c. The board shall not have the authority to remove  
34 a person from public office for a violation of chapter  
35 21 or 22. The board may file an action under chapter  
36 21 or 22 to remove a person from office for violations  
37 that would subject a person to removal under those  
38 chapters.

39 d. A final board order resulting from such  
40 proceedings may be enforced by the board in court  
41 and is subject to judicial review pursuant to section  
42 17A.19.

43 Sec. \_\_. NEW SECTION. 23.11 Defenses in a  
44 contested case proceeding.

45 A respondent may defend against a proceeding before  
46 the board charging a violation of chapter 21 or 22  
47 on the ground that if such a violation occurred it  
48 was only harmless error or that clear and convincing  
49 evidence demonstrated that grounds existed to justify  
50 a court to issue an injunction against disclosure

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1 pursuant to section 22.8.

2 Sec. \_\_. NEW SECTION. 23.12 Jurisdiction.

3 The board shall not have jurisdiction over the  
4 judicial or legislative branches of state government or  
5 any entity, officer, or employee of those branches, or  
6 over the governor or the office of the governor.

7 Sec. \_\_. IOWA PUBLIC INFORMATION BOARD —  
8 TRANSITION PROVISIONS.

9 1. The initial members of the Iowa public  
10 information board established pursuant to this Act  
11 shall be appointed by September 1, 2010.

12 2. Notwithstanding any provision of this Act to the  
13 contrary, the director of the board and employees of  
14 the board shall not be hired prior to July 1, 2011.

15 3. Prior to January 15, 2011, the board shall  
16 submit a report to the governor and the general

17 assembly. The report shall include a job description  
 18 for the executive director of the board, goals for  
 19 board operations, and performance measures to measure  
 20 achievement of the board's goals.

21 4. Implementation of the Iowa public information  
 22 board is limited to the extent of the funding  
 23 available. The legislative services agency shall  
 24 provide transitional administrative support to the  
 25 board for the fiscal year beginning July 1, 2010, and  
 26 ending June 30, 2011.

27 Sec. \_\_. EFFECTIVE DATE. Except for the section  
 28 of this Act establishing transition provisions for the  
 29 Iowa public information board, this division of this  
 30 Act takes effect July 1, 2011.>

31 2. By renumbering as necessary.

PAM JOCHUM  
 DARYL BEALL

## S-5350

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 38, by striking lines 12 through 28 and  
 4 inserting:

5 <Sec. \_\_. Section 155A.6A, subsection 3, Code  
 6 2009, is amended to read as follows:

7 3. a. Beginning ~~July 1, 2009~~ December 31, 2012,  
 8 a person who is in the process of acquiring national  
 9 certification as a pharmacy technician and who is  
 10 in training to become a pharmacy technician shall  
 11 register with the board as a pharmacy technician. The  
 12 registration shall be issued for a period not to exceed  
 13 one year and shall not be renewable.

14 b. A person who is registered as a pharmacy  
 15 technician or a pharmacy technician trainee prior  
 16 to January 1, 2010, who has worked as a pharmacy  
 17 technician or pharmacy technician trainee for a minimum  
 18 of two thousand hours in the previous eighteen months  
 19 under the direction of a licensed pharmacist shall  
 20 have until December 31, 2013, to attain certification  
 21 pursuant to this section. The supervising pharmacist  
 22 shall be responsible for verifying with the Iowa board  
 23 of pharmacy that any person affected by this paragraph  
 24 continues to have a minimum of two thousand hours of  
 25 supervised training in any eighteen-month period of  
 26 time between January 1, 2010, and December 31, 2013.>

27 2. Page 42, after line 25 by inserting:

28 <Sec. \_\_. EFFECTIVE UPON ENACTMENT. This  
 29 provision of this division of this Act amending section

30 155A.6A, being deemed of immediate importance, takes  
 31 effect upon enactment.>  
 32 3. By renumbering as necessary.

GENE FRAISE  
 THOMAS G. COURTNEY  
 WALLY E. HORN

**S-5351**

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 31, after line 23 by inserting:  
 4 <Sec. \_\_. DEPARTMENT OF CULTURAL AFFAIRS. The  
 5 department of cultural affairs, in its capacity as the  
 6 state historic preservation officer and consulting  
 7 party for the purpose of satisfying the requirements of  
 8 the federal National Historic Preservation Act, shall  
 9 be no more restrictive than the federal agency for  
 10 which it is acting as such consulting party.>  
 11 2. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

**S-5352**

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 30, after line 33 by inserting:  
 4 <\_\_. IOWA FINANCE AUTHORITY  
 5 a. To a county with a population between 189,000  
 6 and 196,000 in the last preceding certified federal  
 7 census for rehabilitation of a flood damaged public  
 8 service center:  
 9 ..... \$ 4,500,000  
 10 b. To a city with a population between 120,500  
 11 and 120,800 in the last preceding certified federal  
 12 census for rehabilitation and renovation of a federal  
 13 courthouse and to meet federal flood mitigation  
 14 standards:  
 15 ..... \$ 2,100,000>  
 16 2. By renumbering as necessary.

ROBERT M. HOGG  
 ROBERT E. DVORSKY  
 WALLY E. HORN  
 SWATI A. DANDEKAR

**S-5353**

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:

- 3 1. By striking page 35, line 23, through page 37,  
 4 line 11.  
 5 2. By renumbering as necessary.

JERRY BEHN

**S-5354**

- 1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 46, after line 5 by inserting:  
 4 <DIVISION \_\_\_\_  
 5 HEALTHCARE PROGRAMS AND APPROPRIATIONS  
 6 Section 1. Section 249J.7, Code 2009, is amended to  
 7 read as follows:  
 8 249J.7 Expansion population provider network.  
 9 1. a. Expansion population members shall only  
 10 be eligible to receive expansion population services  
 11 through a provider included in the expansion population  
 12 provider network. Except as otherwise provided  
 13 in this chapter, the expansion population provider  
 14 network shall be limited to a publicly owned acute care  
 15 teaching hospital located in a county with a population  
 16 over three hundred fifty thousand, the university of  
 17 Iowa hospitals and clinics, ~~and the state hospitals~~  
 18 ~~for persons with mental illness designated pursuant~~  
 19 ~~to section 226.1 with the exception of the programs~~  
 20 ~~at such state hospitals for persons with mental~~  
 21 ~~illness that provide substance abuse treatment, serve~~  
 22 ~~gero psychiatric patients, or treat sexually violent~~  
 23 ~~predators and a regional provider network utilizing~~  
 24 ~~the federally qualified health centers or federally~~  
 25 ~~qualified health center look-alikes in the state, to~~  
 26 ~~provide primary care to members.~~  
 27 b. (1) The department shall develop a plan to  
 28 phase-in the regional provider network by determining  
 29 the most highly underserved areas on a statewide  
 30 and regional basis, and targeting these areas for  
 31 prioritization in implementing the regional provider  
 32 network. In developing the phase-in plan the  
 33 department shall consult with the medical assistance  
 34 projections and assessment council created in section  
 35 249J.20. Any plan developed shall be approved by  
 36 the council prior to implementation. The phase-in of  
 37 the regional provider network shall be implemented  
 38 in a manner that ensures that program expenditures  
 39 do not exceed budget neutrality limits and funded  
 40 program capacity, and that ensures compliance with the  
 41 eligibility maintenance of effort requirements of the  
 42 federal American Recovery and Reinvestment Act of 2009.  
 43 (2) Payment shall only be made to designated  
 44 participating primary care providers for eligible

45 primary care services provided to a member.  
46 (3) The department shall adopt rules pursuant to  
47 chapter 17A, in collaboration with the medical home  
48 advisory council established pursuant to section  
49 135.159, specifying requirements for medical homes  
50 including certification, with which regional provider

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1 network participating providers shall comply, as  
2 appropriate.  
3 (4) The department may also designate other private  
4 providers and hospitals to participate in the regional  
5 provider network, to provide primary and specialty  
6 care, subject to the availability of funds.  
7 (5) Notwithstanding any provision to the contrary,  
8 the department shall develop a methodology to reimburse  
9 regional provider network participating providers  
10 designated under this subsection.  
11 c. Tertiary care shall only be provided to eligible  
12 expansion population members residing in any county  
13 in the state at the university of Iowa hospitals and  
14 clinics.  
15 d. Until such time as the publicly owned acute  
16 care teaching hospital located in a county with a  
17 population over three hundred fifty thousand notifies  
18 the department that such hospital has reached service  
19 capacity, the hospital and the university of Iowa  
20 hospitals and clinics shall remain the only expansion  
21 population providers for the residents of such county.  
22 2. Expansion population services provided to  
23 expansion population members by ~~providers included in~~  
24 ~~the expansion population provider network~~ the publicly  
25 owned acute care teaching hospital located in a county  
26 with a population over three hundred fifty thousand and  
27 the university of Iowa hospitals and clinics shall be  
28 payable at the full benefit recipient rates.  
29 3. Providers included in the expansion population  
30 provider network shall submit clean claims within  
31 twenty days of the date of provision of an expansion  
32 population service to an expansion population member.  
33 4. Unless otherwise prohibited by law, a provider  
34 under the expansion population provider network may  
35 deny care to an individual who refuses to apply for  
36 coverage under the expansion population.  
37 5. Notwithstanding the provision of section  
38 347.16, subsection 2, requiring the provision of free  
39 care and treatment to the persons described in that  
40 subsection, the publicly owned acute care teaching  
41 hospital described in subsection 1 may require any sick  
42 or injured person seeking care or treatment at that  
43 hospital to be subject to financial participation,

44 including but not limited to copayments or premiums,  
45 and may deny nonemergent care or treatment to any  
46 person who refuses to be subject to such financial  
47 participation.

48 6. The department shall utilize up to seven million  
49 three hundred thousand dollars in certified public  
50 expenditures at the university of Iowa hospitals

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1 and clinics to maximize the availability of state  
2 funding to provide necessary access to both primary  
3 and specialty physician care to expansion population  
4 members. The resulting savings to the state shall  
5 be utilized to reimburse physician services provided  
6 to expansion population members at the university of  
7 Iowa hospitals and clinics and to reimburse providers  
8 designated to participate in the regional provider  
9 network for services provided to expansion population  
10 members.

11 7. The department shall adopt rules to establish  
12 clinical transfer and referral protocols to be used by  
13 providers included in the expansion population provider  
14 network.

15 Sec. \_\_. 2010 Iowa Acts, Senate File 2156, section  
16 5, if enacted, is repealed.

17 Sec. \_\_. 2010 Iowa Acts, Senate File 2356, section  
18 2, amending section 249J.7, if enacted, is repealed.

19 Sec. \_\_. 2010 Iowa Acts, House File 2526, section  
20 11, subsection 13, if enacted, is amended to read as  
21 follows:

22 13. The university of Iowa hospitals and clinics  
23 shall either certify public expenditures or transfer to  
24 the medical assistance appropriation an amount equal  
25 to provide the nonfederal share for increased medical  
26 assistance payments for inpatient hospital services of  
27 ~~\$7,500,000~~ up to \$9,900,000. The university of Iowa  
28 hospitals and clinics shall receive and retain 100  
29 percent of the total increase in medical assistance  
30 payments.

31 Sec. \_\_. 2010 Iowa Acts, House File 2526, section  
32 41, subsection 3, unnumbered paragraph 2, if enacted,  
33 is amended to read as follows:

34 For salaries, support, maintenance, equipment, and  
35 miscellaneous purposes for the provision of medical and  
36 surgical treatment of indigent patients, for provision  
37 of services to members of the expansion population  
38 pursuant to chapter 249J, and for medical education:

39 ..... ~~\$12,000,000~~ 14,000,000

40 Sec. \_\_. 2010 Iowa Acts, House File 2526, section  
41 41, subsection 6, if enacted, is amended to read as  
42 follows:



43 ~~6. Contingent upon enactment of 2010 Iowa Acts,~~  
 44 ~~Senate File 2356, there is appropriated from the~~  
 45 ~~IowaCare account created in section 249J.24 to the~~  
 46 ~~department of human services for the fiscal year~~  
 47 ~~beginning July 1, 2010, and ending June 30, 2011, the~~  
 48 ~~following amount, or so much thereof as is necessary to~~  
 49 ~~be used for the purposes designated:~~  
 50 ~~For payment to nonparticipating providers for~~

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1 covered services provided in accordance with section  
 2 ~~249J.24A:~~  
 3 ..... \$ 2,000,000  
 4 Sec. \_\_\_\_ HOSPITAL HEALTH CARE ACCESS TRUST FUND —  
 5 APPROPRIATIONS. There is appropriated from the  
 6 hospital health care access trust fund created in  
 7 section 249M.4, if enacted by 2010 Iowa Acts, Senate  
 8 File 2388, to the department of human services for the  
 9 fiscal year beginning July 1, 2010, and ending June 30,  
 10 2011, the following amounts, or so much thereof as is  
 11 necessary, for the purposes designated:  
 12 1. For the medical assistance program:  
 13 ..... \$ 39,406,000  
 14 Of the funds appropriated in this subsection,  
 15 \$20,542,883 shall be used for reimbursement of  
 16 hospitals under the medical assistance program in  
 17 accordance with section 249M.4, if enacted by 2010 Iowa  
 18 Acts, Senate File 2388.  
 19 2. For deposit in the nonparticipating provider  
 20 reimbursement fund created in section 249J.24A for the  
 21 purposes of the fund:  
 22 ..... \$ 594,000  
 23 Sec. \_\_\_\_ NONPARTICIPATING PROVIDER REIMBURSEMENT  
 24 FUND — APPROPRIATION. Contingent upon enactment of  
 25 2010 Iowa Acts, Senate File 2388, there is appropriated  
 26 from the nonparticipating provider reimbursement  
 27 fund created in section 249J.24A to the department of  
 28 human services for the fiscal year beginning July 1,  
 29 2010, and ending June 30, 2011, the following amount,  
 30 or so much thereof as is necessary, for the purposes  
 31 designated:  
 32 To reimburse nonparticipating providers in  
 33 accordance with section 249J.24A:  
 34 ..... \$ 2,000,000  
 35 Sec. \_\_\_\_ MEDICAL ASSISTANCE PROGRAM —  
 36 APPROPRIATION REDUCTION. The appropriation from the  
 37 general fund of the state to the department of human  
 38 services for the medical assistance program for the  
 39 fiscal year beginning July 1, 2010, and ending June 30,  
 40 2011, as specified in 2010 Iowa Acts, House File 2526,

41 section 11, if enacted, is reduced by \$18,863,117.>  
 42 2. By renumbering as necessary.

JOE BOLKCOM  
 JACK HATCH  
 AMANDA RAGAN

### S-5355

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 46, after line 5 by inserting:

4 <DIVISION \_\_\_  
 5 STATE EXPENDITURE LIMITATIONS

6 Sec. \_\_\_. Section 8.22A, Code 2009, is amended to  
 7 read as follows:

8 8.22A Revenue estimating conference.

9 1. The state revenue estimating conference is  
 10 created consisting of the governor or the governor's  
 11 designee, the director of the legislative services  
 12 agency or the director's designee, and a third member  
 13 agreed to by the other two.

14 2. The conference shall meet as often as deemed  
 15 necessary, but shall meet at least quarterly. The  
 16 conference may use sources of information deemed  
 17 appropriate. At each meeting, the conference shall  
 18 agree to estimates for both the current and succeeding  
 19 fiscal years for the general fund of the state, lottery  
 20 revenues to be available for disbursement, and from  
 21 gambling revenues and from interest earned on the cash  
 22 reserve fund and the economic emergency fund to be  
 23 deposited in the rebuild Iowa infrastructure fund.

24 3. ~~By~~ For purposes of the state general fund  
 25 expenditure limitation and other expenditure  
 26 limitations under section 8.54, by December 15 of each  
 27 fiscal year the conference shall agree to ~~a revenue~~  
 28 estimate revenue estimates for the amounts of moneys  
 29 subject to an expenditure limitation under section  
 30 8.54 for the fiscal year beginning the following July

31 1. ~~That~~ The estimate amounts shall be used by the  
 32 governor in the preparation of the budget message  
 33 under section 8.22 and by the general assembly in  
 34 the budget process. If the conference agrees to a  
 35 different estimate at a later meeting which projects  
 36 a greater amount of revenue than the initial estimate  
 37 amount agreed to by December 15, the governor and the  
 38 general assembly shall continue to use the initial  
 39 estimate amount in the budget process for that fiscal  
 40 year. However, if the conference agrees to a different  
 41 estimate at a later meeting which projects a lesser  
 42 amount of revenue than the initial estimate amount,  
 43 the governor and the general assembly shall use the

44 lesser amount in the budget process for that fiscal  
45 year. As used in this subsection, "later meeting"  
46 means only those later meetings which are held prior  
47 to the conclusion of the regular session of the  
48 general assembly and, if the general assembly holds  
49 an extraordinary session prior to the commencement of  
50 the fiscal year to which the estimate applies, those

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1 later meetings which are held before or during the  
2 extraordinary session.

3 4. At the meeting in which the conference agrees  
4 to the revenue estimate for the general fund of the  
5 state for the following fiscal year in accordance with  
6 the provisions of subsection 3, the conference shall  
7 agree to an estimate for tax refunds payable from that  
8 estimated revenue. The estimates required by this  
9 subsection shall be used in determining the adjusted  
10 revenue estimate under section 8.54.

11 5. At the meeting in which the conference agrees  
12 to the revenue estimate for the general fund of the  
13 state for the succeeding fiscal year in accordance  
14 with the provisions of subsection 3, the conference  
15 shall also agree to the following estimates which shall  
16 be used by the governor in preparation of the budget  
17 message under section 8.22 and the general assembly in  
18 the budget process for the succeeding fiscal year:

19 a. The amount of lottery revenues that will be  
20 deposited in the general fund for the following fiscal  
21 year ~~to be available for disbursement~~ following the  
22 deductions made pursuant to section 99G.39, subsection  
23 1. This estimate shall be included in the conference's  
24 estimate of general fund revenues and shall be  
25 calculated as the sum of the following, divided by  
26 seven, as agreed to by the conference:

27 (1) The conference's estimate of the amount of  
28 lottery revenues to be deposited in the general fund  
29 for the succeeding fiscal year.

30 (2) The conference's estimate of the amount of  
31 lottery revenues to be deposited in the general fund  
32 for the current fiscal year.

33 (3) The actual amount of the lottery revenues  
34 deposited in the general fund for the five most  
35 recently completed fiscal years, adjusted for inflation  
36 through the close of the most recently completed fiscal  
37 year.

38 b. The amount of revenue for the following fiscal  
39 year from gambling revenues and from interest earned on  
40 the cash reserve fund and the economic emergency fund  
41 to be deposited in the rebuild Iowa infrastructure fund  
42 under section 8.57, subsection 6, paragraph "e".

43 c. The amount of accruals of those revenues  
44 collected by or due from entities other than the  
45 state on or before June 30 of the fiscal year but not  
46 remitted to the state until after June 30.  
47 d. The amount of accrued lottery revenues collected  
48 on or before June 30 of the fiscal year but not  
49 transferred to the general fund of the state until  
50 after June 30.

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1 6. At the meeting in which the conference agrees to  
2 the revenue estimates for the succeeding fiscal year  
3 in accordance with subsection 3, the conference shall  
4 agree to the amount available in the cash reserve fund  
5 as of the close of the previous fiscal year that may be  
6 appropriated for nonrecurring emergency expenditures as  
7 provided in section 8.56, subsection 5.

8 Sec. \_\_\_\_ Section 8.54, Code 2009, is amended to  
9 read as follows:

10 8.54 General fund expenditure limitation and other  
11 expenditure limitations.

12 1. For the purposes of section 8.22A, this section,  
13 and sections 8.55 through 8.57:

14 a. "Adjusted revenue estimate" means the appropriate  
15 revenue estimate for the general fund for the following  
16 fiscal year as determined by the revenue estimating  
17 conference under section 8.22A, subsection 3, adjusted  
18 by subtracting estimated tax refunds payable from  
19 that estimated revenue, adding accruals determined in  
20 accordance with section 8.22A, subsection 5, and as  
21 determined by the conference, adding any new revenues  
22 which may be considered to be eligible for deposit in  
23 the general fund.

24 b. "Inflation" means the percentage change in the  
25 consumer price index for all urban consumers, midwest  
26 region, published by the United States department of  
27 labor, bureau of labor statistics.

28 c. "New revenues" means moneys which are received  
29 by the general fund of the state due to increased  
30 tax rates and fees or newly created taxes and fees  
31 over and above those moneys which are received due to  
32 state taxes and fees which are in effect as of January  
33 1 following the December state revenue estimating  
34 conference. "New revenues" also includes moneys  
35 received by the general fund of the state due to new  
36 transfers over and above those moneys received by the  
37 general fund of the state due to transfers which are  
38 in effect as of January 1 following the December state  
39 revenue estimating conference. The department of  
40 management shall obtain concurrence from the revenue  
41 estimating conference on the eligibility of transfers

42 to the general fund of the state which are to be  
43 considered as new revenue in determining the state  
44 general fund expenditure limitation.  
45 2. a. There is created a state general fund  
46 expenditure limitation for each fiscal year calculated  
47 as provided in this section.  
48 b. There is created a gambling revenue expenditure  
49 limitation calculated as provided in this section. The  
50 limitation applies to revenues received by the state

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1 that are attributable to gambling and available for  
2 appropriation but are not credited to the general fund  
3 of state. The gambling revenue expenditure limitation  
4 does not include lottery revenue.

5 c. An expenditure limitation shall be used for the  
6 portion of the budget process commencing on the date  
7 the revenue estimating conference agrees to a revenue  
8 estimate for the following fiscal year in accordance  
9 with section 8.22A, subsection 3, and ending with  
10 the governor's final approval or disapproval of the  
11 appropriations bills applicable to that fiscal year  
12 that were passed prior to July 1 of that fiscal year in  
13 a regular or extraordinary legislative session.

14 3. Except as otherwise provided in this section,  
15 the state general fund expenditure limitation for  
16 a fiscal year shall be ninety-nine percent ~~of the~~  
17 ~~adjusted revenue estimate.~~ of the general fund average,  
18 as agreed to by the revenue estimating conference. The  
19 general fund average for a fiscal year is the sum of  
20 the following, divided by seven:

21 a. The adjusted revenue estimate for the succeeding  
22 fiscal year.

23 b. The revenue estimate for the current fiscal  
24 year, adjusted by subtracting estimated tax refunds  
25 payable from that estimated revenue and as determined  
26 by the conference, adding any new revenues which may be  
27 considered to be eligible for deposit in the general  
28 fund.

29 c. The net revenue for the general fund of the  
30 state for the five most recently completed fiscal  
31 years, adjusted by subtracting tax refunds paid from  
32 the revenue and adjusted for inflation through the  
33 close of the most recently completed fiscal year.

34 4. The gambling revenue expenditure limitation  
35 for a fiscal year shall be the sum of the following,  
36 divided by seven, as agreed to by the revenue  
37 estimating conference:

38 a. The gambling revenues estimate for the  
39 succeeding fiscal year.

40 b. The gambling revenues estimate for the current

41 fiscal year.  
 42 c. The net gambling revenues for the five most  
 43 recently completed fiscal years, adjusted for inflation  
 44 through the close of the most recently completed fiscal  
 45 year.  
 46 4. 5. The state general fund expenditure  
 47 limitation amount and the gambling revenue expenditure  
 48 limitation amount provided for in this section shall  
 49 be used by the governor in the preparation of the  
 50 budget under section 8.22 and approval of the budget

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1 and by the general assembly in the budget process.  
 2 If a source for new revenues is proposed, the budget  
 3 revenue projection used for that new revenue source  
 4 for the period beginning on the effective date of the  
 5 new revenue source and ending in the fiscal year in  
 6 which the source is included in the revenue base shall  
 7 be an amount determined by subtracting estimated tax  
 8 refunds payable from the projected revenue from that  
 9 new revenue source, multiplied by ninety-five percent.  
 10 If a new revenue source is established and implemented  
 11 that would affect an expenditure limitation amount,  
 12 the original state general fund expenditure limitation  
 13 amount provided for in subsection 3 shall be readjusted  
 14 to include ninety-five percent of the estimated revenue  
 15 from the new revenue source.  
 16 ~~5. For fiscal years in which section 8.55,~~  
 17 ~~subsection 2, results in moneys being transferred~~  
 18 ~~to the general fund, the original state general~~  
 19 ~~fund expenditure limitation amount provided for in~~  
 20 ~~subsection 3 shall be readjusted to include the moneys~~  
 21 ~~which are so transferred.~~  
 22 6. The scope of the expenditure  
 23 limitation limitations  
 24 ~~under subsection 3~~ this section shall not encompass  
 25 federal funds, donations, constitutionally dedicated  
 26 moneys, moneys appropriated from the cash reserve  
 27 fund or Iowa economic emergency fund, and moneys in  
 28 expenditures from state retirement system moneys.  
 29 7. The governor shall transmit to the general  
 30 assembly, in accordance with section 8.21, a  
 31 budget which does not exceed the ~~state general fund~~  
 32 ~~expenditure limitation~~ expenditure limitations under  
 33 this section. The general assembly shall pass a  
 34 budget which does not exceed the ~~state general fund~~  
 35 ~~expenditure limitation~~ expenditure limitations. The  
 36 governor shall not transmit a budget with recommended  
 37 appropriations in excess of the ~~state general fund~~  
 38 ~~expenditure limitation~~ expenditure limitations and  
 39 the general assembly shall not pass a budget with

40 appropriations in excess of the ~~state general fund~~  
 41 ~~expenditure limitation~~ expenditure limitations. The  
 42 governor shall not approve or disapprove appropriation  
 43 bills or items of appropriation bills passed by the  
 44 general assembly in a manner that would cause the  
 45 final budget approved by the governor to exceed the  
 46 ~~state general fund expenditure limitation~~ expenditure  
 47 limitations. In complying with the requirements  
 48 of this subsection, the governor and the general  
 49 assembly shall not rely on any anticipated reversion  
 50 of appropriations in order to meet ~~the state general~~

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1 ~~fund any~~ expenditure limitation.  
 2 Sec. \_\_\_\_ Section 8.55, subsection 2, paragraph a,  
 3 Code 2009, is amended to read as follows:  
 4 a. The maximum balance of the fund is the amount  
 5 equal to ~~two five~~ five and one-half percent of the adjusted  
 6 revenue estimate for the fiscal year. If the amount of  
 7 moneys in the Iowa economic emergency fund is equal to  
 8 the maximum balance, moneys in excess of this amount  
 9 shall be transferred to the ~~general fund~~ property tax  
 10 equity and relief fund created in section 257.16A.  
 11 Sec. \_\_\_\_ Section 8.56, subsections 2 and 3, Code  
 12 2009, are amended to read as follows:  
 13 2. a. Moneys shall be credited to the cash reserve  
 14 fund from all of the following:  
 15 (1) Appropriations made to the fund pursuant to  
 16 section 8.57.  
 17 (2) The state's share of the proceeds under chapter  
 18 809A.  
 19 (3) Moneys collected in the settlement or  
 20 prosecution of a claim by the state that are not  
 21 otherwise specifically allocated in accordance with law  
 22 to another fund.  
 23 (4) Other moneys designated by law or by the  
 24 executive council as one-time revenues and which are  
 25 not otherwise specifically allocated by law to another  
 26 fund.  
 27 b. The maximum balance of the cash reserve fund is  
 28 the amount equal to the cash reserve goal percentage,  
 29 as defined in section 8.57, multiplied by the adjusted  
 30 revenue estimate for the general fund of the state for  
 31 the current fiscal year.  
 32 3. The moneys in the cash reserve fund shall only  
 33 be used pursuant to an appropriation made by the  
 34 general assembly. ~~An~~ Except as provided in subsection  
 35 5, an appropriation shall be made in accordance with  
 36 subsection 4 from the cash reserve fund only for the  
 37 fiscal year in which the appropriation is made. The  
 38 moneys shall only be appropriated by the general

39 assembly for nonrecurring emergency expenditures and  
40 shall not be appropriated for payment of any collective  
41 bargaining agreement or arbitrator's decision  
42 negotiated or awarded under chapter 20. Except as  
43 provided in section 8.58, the cash reserve fund shall  
44 be considered a special account for the purposes of  
45 section 8.53 in determining the cash position of the  
46 general fund of the state for the payment of state  
47 obligations.

48 Sec. \_\_\_\_ Section 8.56, Code 2009, is amended by  
49 adding the following new subsection:

50 NEW SUBSECTION. 5. If the adjusted revenue

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1 estimate for the succeeding fiscal year is less than  
2 ninety-eight percent of the general fund average for  
3 that fiscal year under section 8.54, subsection 3, an  
4 appropriation for nonrecurring emergency expenditures  
5 from the cash reserve fund may be made to provide  
6 additional funding for the succeeding fiscal year.  
7 However, the amount of such appropriation shall not  
8 exceed the difference of ninety-eight percent of  
9 such general fund average minus the adjusted revenue  
10 estimate for the succeeding fiscal year. The amount of  
11 such appropriation shall not exceed twenty-five percent  
12 of the ending balance in the cash reserve fund in the  
13 most recently completed fiscal year.

14 Sec. \_\_\_\_ Section 284.3A, Code Supplement 2009, is  
15 amended by adding the following new subsection:  
16 NEW SUBSECTION. 4. The teacher salary supplement  
17 district cost as calculated under section 257.10,  
18 subsection 9, and the area education agency teacher  
19 salary supplement district cost as calculated under  
20 section 257.37A, subsection 1, are not subject to a  
21 uniform reduction in accordance with section 8.31.  
22 Notwithstanding any provision of law to the contrary,  
23 if the governor orders budget reductions in accordance  
24 with section 8.31, a collective bargaining agreement  
25 negotiated under chapter 20 and in effect on the date  
26 the budget reduction was ordered shall be reopened  
27 and renegotiated by the boards of directors of school  
28 districts and area education agencies and the employee  
29 organizations representing the employees of the school  
30 districts and area education agencies.

31 Sec. \_\_\_\_ Section 809A.17, subsection 3, Code 2009,  
32 is amended to read as follows:

33 3. The state share of the cash proceeds from  
34 forfeited property shall be credited to the cash  
35 reserve fund. Forfeited property that is not cash  
36 or sold may be used by the department of justice in  
37 the enforcement of the criminal law. The department



38 may give, sell, or trade forfeited property that is  
 39 not cash or sold to any other state agency or to any  
 40 other law enforcement agency within the state if, in  
 41 the opinion of the attorney general, ~~it~~ the forfeited  
 42 property will enhance law enforcement within the state.  
 43 Sec. \_\_\_\_ APPLICABILITY. This division of this Act  
 44 applies beginning July 1, 2010, for the budget process  
 45 for the succeeding fiscal year.>  
 46 2. By renumbering as necessary.

STEVE KETTERING  
 MERLIN BARTZ  
 JERRY BEHN  
 NANCY J. BOETTGER  
 RANDY FEENSTRA  
 JAMES F. HAHN  
 SHAWN HAMERLINCK  
 DAVID HARTSUCH  
 HUBERT HOUSER  
 DAVID JOHNSON  
 TIM L. KAPUCIAN  
 PAUL MCKINLEY  
 LARRY NOBLE  
 KIM REYNOLDS  
 JAMES A. SEYMOUR  
 PAT WARD  
 RON WIECK  
 BRAD ZAUN

### S-5356

1 Amend the amendment, S-5343, to House File 2531,  
 2 as amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, after line 33 by inserting:  
 5 <Sec. \_\_\_\_ Section 237.3, Code Supplement 2009, is  
 6 amended by adding the following new subsection:  
 7 NEW SUBSECTION. 11. The department shall adopt  
 8 rules prohibiting an individual foster parent licensee  
 9 from providing child care to children as a child care  
 10 home or child development home provider registered  
 11 under chapter 237A at times when a child is present who  
 12 is receiving foster care from the licensee and who has  
 13 been found by the department to have committed abuse of  
 14 another child.>  
 15 2. By renumbering as necessary.

DAVID HARTSUCH

### S-5357

1 Amend House File 2531, as amended, passed, and

2 reprinted by the House, as follows:  
 3 1. Page 32, after line 14 by inserting:  
 4 <Sec. \_\_. MH/MR/DD SERVICES FUND  
 5 TRANSFER. Notwithstanding section 331.424A,  
 6 subsection 5, and section 331.432, subsection 3, for  
 7 the fiscal year beginning July 1, 2010, and ending  
 8 June 30, 2011, a county may transfer moneys from other  
 9 funds of the county to the county’s mental health,  
 10 mental retardation, and developmental disabilities  
 11 services fund created in section 331.424A. A county  
 12 transferring moneys from other funds of the county to  
 13 the county’s services fund pursuant to this section  
 14 shall submit a report detailing the transfers made and  
 15 funds affected. The county shall submit the report  
 16 along with the county expenditure and information  
 17 report submitted by December 1, 2010, in accordance  
 18 with section 331.439.>  
 19 2. By renumbering as necessary.

JACK HATCH  
 ROBERT E. DVORSKY

**S-5358**

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 46, after line 5 by inserting:  
 4 <DIVISION \_\_  
 5 PUBLIC SAFETY ADVISORY BOARD  
 6 Sec. \_\_. DEPARTMENT OF HUMAN RIGHTS — DIVISION  
 7 OF CRIMINAL AND JUVENILE JUSTICE PLANNING. There is  
 8 appropriated from the Iowa comprehensive petroleum  
 9 underground storage tank fund established in section  
 10 455G.3 to the department of human rights for the  
 11 fiscal year beginning July 1, 2010, and ending June  
 12 30, 2011, the following amount, or so much thereof as  
 13 is necessary, to be used for the purposes designated,  
 14 notwithstanding section 455G.3, subsection 1:

15 For the division of criminal and juvenile justice  
 16 planning, including salaries, support, maintenance,  
 17 miscellaneous purposes, and for not more than the  
 18 following full-time equivalent positions for the public  
 19 safety advisory board established in section 216A.133A:  
 20 ..... \$ 140,000  
 21 ..... FTEs 2.00

22 Sec. \_\_. Section 216A.131, Code 2009, is amended  
 23 by adding the following new subsection:

24 NEW SUBSECTION. 1A. “Board” means the public  
 25 safety advisory board.

26 Sec. \_\_. Section 216A.132, Code 2009, is amended  
 27 to read as follows:  
 28 216A.132 Council established — terms —

29 compensation.

30 1. A criminal and juvenile justice planning  
31 advisory council is established consisting of  
32 twenty-three members.

33 a. The governor shall appoint seven members each  
34 for a four-year term beginning and ending as provided  
35 in section 69.19 and subject to confirmation by the  
36 senate as follows:

37 (1) Three persons, each of whom is a county  
38 supervisor, county sheriff, mayor, ~~city chief of~~  
39 ~~police, or county attorney~~ nonsupervisory police  
40 officer, or a chief of police of a department with less  
41 than eleven police officers.

42 ~~(2) Two persons who represent the general public~~  
43 ~~and are not employed in any law enforcement, judicial,~~  
44 ~~or corrections capacity.~~

45 ~~(3)~~ (2) Two persons who are knowledgeable about  
46 Iowa's juvenile justice system.

47 (3) One person who represents the general public  
48 and is not employed in any law enforcement, judicial,  
49 or corrections capacity.

50 (4) One person who is either a crime victim, or who

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1 represents a crime victim organization.

2 b. The departments of human services, corrections,  
3 and public safety, the division on the status of  
4 African-Americans, the ~~Iowa~~ department of public  
5 health, the chairperson of the board of parole, the  
6 attorney general, the state public defender, and the  
7 governor's office of drug control policy, and the chief  
8 justice of the supreme court shall each designate a  
9 person to serve on the council. ~~The person appointed~~  
10 ~~by the Iowa department of public health shall be from~~  
11 ~~the departmental staff who administer the comprehensive~~  
12 ~~substance abuse program under chapter 125.~~

13 c. The chief justice of the supreme court shall  
14 appoint two additional members currently serving  
15 as district judges designate one member who is a  
16 district judge and one member who is either a district  
17 associate judge or associate juvenile judge. Two  
18 members of the senate and two members of the house of  
19 representatives shall be ex officio members and shall  
20 be appointed by the majority and minority leaders  
21 of the senate and the speaker and minority leader  
22 of the house of representatives pursuant to section  
23 69.16 and shall serve terms as provided in section  
24 69.16B. The chairperson and ranking member of the  
25 senate committee on judiciary shall be members. In  
26 alternating four-year intervals, the chairperson and  
27 ranking member of the house committee on judiciary

28 or of the house committee on public safety shall be  
 29 members, with the chairperson and ranking member of the  
 30 house committee on public safety serving during the  
 31 initial interval. Nonlegislative members appointed  
 32 pursuant to this paragraph shall serve for four-year  
 33 terms beginning and ending as provided in section 69.19  
 34 unless the member ceases to serve as a district court  
 35 judge.

36 d. The Iowa county attorneys association shall  
 37 designate a person to serve on the council.

38 2. Members of the council shall receive  
 39 reimbursement from the state for actual and necessary  
 40 expenses incurred in the performance of their official  
 41 duties. Members may also be eligible to receive  
 42 compensation as provided in section 7E.6.

43 Sec. \_\_. Section 216A.133, subsection 1, Code  
 44 2009, is amended to read as follows:

45 1. Identify issues and analyze the operation and  
 46 impact of present criminal and juvenile justice policy  
 47 and make recommendations for policy changes, ~~including~~  
 48 ~~recommendations pertaining to efforts to curtail~~  
 49 ~~criminal gang activity.~~

50 Sec. \_\_. Section 216A.133, Code 2009, is amended

Page 3

1 by adding the following new subsections:  
 2 NEW SUBSECTION. 8. Determine members of the public  
 3 safety advisory board pursuant to section 216A.133A.

4 NEW SUBSECTION. 9. Coordinate with the  
 5 administrator to develop and make recommendations to  
 6 the department director pursuant to section 216A.2.

7 NEW SUBSECTION. 10. Serve as a liaison between the  
 8 general public and the division.

9 NEW SUBSECTION. 11. Establish advisory committees  
 10 to study special issues.

11 Sec. \_\_. NEW SECTION. 216A.133A Public safety  
 12 advisory board —  
 13 duties.

14 1. A public safety advisory board is established  
 15 whose membership shall be determined by the criminal  
 16 and juvenile justice planning advisory council and  
 17 shall consist of current members of the council. Any  
 18 actions taken by the board shall be considered separate  
 19 and distinct from the council.

20 2. The purpose of the board is to provide the  
 21 general assembly with an analysis of current and  
 22 proposed criminal code provisions.

23 3. The duties of the board shall consist of the  
 24 following:

25 a. Reviewing and making recommendations relating  
 26 to current sentencing provisions. In reviewing such

27 provisions the board shall consider the impact on all  
28 of the following:

- 29 (1) Potential disparity in sentencing.
  - 30 (2) Truth in sentencing.
  - 31 (3) Victims.
  - 32 (4) The proportionality of specific sentences.
  - 33 (5) Sentencing procedures.
  - 34 (6) Costs associated with the implementation  
35 of criminal code provisions, including costs to  
36 the judicial branch, department of corrections, and  
37 judicial district departments of correctional services,  
38 costs for representing indigent defendants, and costs  
39 incurred by political subdivisions of the state.
  - 40 (7) Best practices related to the department of  
41 corrections including recidivism rates, safety and  
42 efficient use of correctional staff, and compliance  
43 with correctional standards set by the federal  
44 government and other jurisdictions.
  - 45 (8) Best practices related to the Iowa child death  
46 review team established in section 135.43 and the Iowa  
47 domestic abuse death review team established in section  
48 135.109.
- 49 b. Reviewing and making recommendations relating to  
50 proposed legislation, in accordance with paragraph “a”,

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1 as set by rule by the general assembly or as requested  
2 by the executive or judicial branch proposing such  
3 legislation.

4 c. Providing expertise and advice to the  
5 legislative services agency, the department of  
6 corrections, the judicial branch, and others charged  
7 with formulating fiscal, correctional, or minority  
8 impact statements.

9 d. Reviewing data supplied by the division, the  
10 department of management, the legislative services  
11 agency, the Iowa supreme court, and other departments  
12 or agencies for the purpose of determining the  
13 effectiveness and efficiency of the collection of such  
14 data.

15 4. The board may call upon any department, agency,  
16 or office of the state, or any political subdivision  
17 of the state, for information or assistance as needed  
18 in the performance of its duties. The information or  
19 assistance shall be furnished to the extent that it is  
20 within the resources and authority of the department,  
21 agency, office, or political subdivision. This section  
22 does not require the production or opening of any  
23 records which are required by law to be kept private  
24 or confidential.

25 5. The board shall report to the legislative

26 government oversight committee all sources of funding  
27 by December 1 of each year.

28 6. Membership on the board shall be bipartisan  
29 as provided in section 69.16 and gender balanced as  
30 provided in section 69.16A.

31 7. Meetings of the board shall be open to the  
32 public as provided in chapter 21.

33 8. Members of the board shall receive reimbursement  
34 from the state for actual and necessary expenses  
35 incurred in the performance of their official duties.  
36 Members may also be eligible to receive compensation as  
37 provided in section 7E.6.

38 Sec. \_\_\_\_ Section 216A.135, unnumbered paragraph 1,  
39 Code 2009, is amended to read as follows:

40 Beginning in 1989, and every five years thereafter,  
41 the division shall develop a twenty-year criminal  
42 and juvenile justice plan for the state which shall  
43 include ten-year, fifteen-year, and twenty-year  
44 goals and a comprehensive five-year plan for criminal  
45 and juvenile justice programs. The five-year plan  
46 shall be updated annually and each twenty-year plan  
47 and annual updates of the five-year plan shall be  
48 submitted to the governor and the general assembly by  
49 ~~February~~ December 1.

50 Sec. \_\_\_\_ APPOINTMENTS TO CRIMINAL AND JUVENILE

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- 1 JUSTICE PLANNING ADVISORY COUNCIL. The applicable
- 2 provisions of chapter 69 shall apply to vacant
- 3 positions on the criminal and juvenile justice planning
- 4 advisory council occurring on or after July 1, 2010.>

KEITH A. KREIMAN

**S-5359**

1 Amend House File 2531, as amended, passed, and  
2 reprinted by the House, as follows:

- 3 1. Page 30, after line 21 by inserting:
- 4 <Sec. \_\_\_\_ MEDICAID FRAUD ACCOUNT — DEPARTMENT OF
- 5 INSPECTIONS AND APPEALS. There is appropriated from
- 6 the Medicaid fraud account created in section 249A.7
- 7 to the department of inspections and appeals for the
- 8 fiscal year beginning July 1, 2010, and ending June 30,
- 9 2011, the following amount or so much thereof as is
- 10 necessary, to be used for the purposes designated:
- 11 For salaries, support, maintenance, miscellaneous
- 12 purposes, administration, and other costs associated
- 13 with implementation of 2010 Iowa Acts, Senate File
- 14 2333, if enacted:
- 15 ..... \$ 250,000>

16 2. By renumbering as necessary.

JEFF DANIELSON

**S-5360**

1 Amend House File 2531, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 4, line 6, by striking <and area education  
4 agency>  
5 2. Page 6, after line 29 by inserting:  
6 <Sec. \_\_\_. Section 257.35, subsection 5, Code  
7 Supplement 2009, is amended to read as follows:  
8 5. Notwithstanding subsection 1, and in addition to  
9 the reduction applicable pursuant to subsection 2, the  
10 state aid for area education agencies and the portion  
11 of the combined district cost calculated for these  
12 agencies for each fiscal year of the fiscal period  
13 beginning July 1, 2008, and ending June 30, ~~2010~~ 2011,  
14 shall be reduced by the department of management by two  
15 million five hundred thousand dollars. The reduction  
16 for each area education agency for each fiscal year of  
17 the fiscal period beginning July 1, 2008, and ending  
18 June 30, ~~2010~~ 2011, shall be prorated based on the  
19 reduction that the agency received in the fiscal year  
20 beginning July 1, 2003.>  
21 3. Page 10, line 20, by striking <may> and  
22 inserting <shall not>  
23 4. Page 13, line 21, after <officer,> by inserting  
24 <state debt coordinator.>  
25 5. Page 28, after line 7 by inserting:  
26 <Sec. \_\_\_. 2010 Iowa Acts, Senate File 2366,  
27 section 16, if enacted, is amended to read as follows:  
28 SEC. 16. EFFECTIVE DATE — APPLICABILITY. ~~This~~  
29 ~~section~~ The sections of this division of this Act  
30 providing for transfers involving the college student  
31 aid commission and the department of inspections and  
32 appeals are retroactively applicable to December 14,  
33 2009, and apply in lieu of the transfers made for the  
34 same purposes by the executive branch, as reported by  
35 the department of management in the transfer notices  
36 dated December 14, 2009.>  
37 6. Page 29, after line 30 by inserting:  
38 <\_\_\_. The section of this division of this Act  
39 amending 2010 Iowa Acts, Senate File 2366, section 16.>  
40 7. Page 30, after line 8 by inserting:  
41 <Sec. \_\_\_. DEPARTMENT OF CULTURAL AFFAIRS —  
42 MERCHANT MARINE BONUS FUND. There is appropriated  
43 from the merchant marine bonus fund of the state to  
44 the department of cultural affairs for the fiscal year  
45 beginning July 1, 2010, and ending June 30, 2011, any  
46 moneys remaining in the fund after the appropriation

47 made pursuant to 2010 Iowa Acts, House File 2526,  
48 to be used for any costs relating to a study of the  
49 U.S.S. Iowa and for departmental salaries, support,  
50 maintenance, and miscellaneous purposes.

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1 Notwithstanding section 8.33, moneys appropriated in  
2 this section that remain unencumbered or unobligated  
3 at the close of the fiscal year shall not revert but  
4 shall remain available for expenditure for the purposes  
5 designated until the close of the succeeding fiscal  
6 year.>

7 8. Page 30, after line 8 by inserting:  
8 <Sec. \_\_. IOWA COMPREHENSIVE PETROLEUM UNDERGROUND  
9 STORAGE TANK FUND — APPROPRIATIONS. There is  
10 appropriated from the Iowa comprehensive petroleum  
11 underground storage tank fund created in section 455G.3  
12 to the following departments and agencies for the  
13 fiscal year beginning July 1, 2010, and ending June  
14 30, 2011, the following amounts, or so much thereof as  
15 is necessary, to be used for the purposes designated,  
16 notwithstanding section 455G.3, subsection 1:

17 1. DEPARTMENT OF PUBLIC HEALTH — BOARD OF PHARMACY

18 a. For support of the Iowa pharmacy recovery  
19 network:

20 ..... \$ 100,000

21 b. For continuation of the pharmaceutical  
22 collection and disposal pilot program established  
23 pursuant to 2009 Iowa Acts, chapter 175, section 9:

24 ..... \$ 150,000

25 2. DEPARTMENT OF ADMINISTRATIVE SERVICES

26 For costs associated with providing autism spectrum  
27 disorders coverage pursuant to section 514C.26, as  
28 enacted by this Act:

29 ..... \$ 140,000

30 3. STATE BOARD OF REGENTS

31 a. For the state school for the deaf:  
32 ..... \$ 233,000

33 b. For Iowa braille and sight saving school:  
34 ..... \$ 137,000

35 4. DEPARTMENT OF EDUCATION — VOCATIONAL  
36 REHABILITATION SERVICES DIVISION

37 For a program for farmers with disabilities:  
38 ..... \$ 97,000

39 The funds appropriated in this subsection shall  
40 be used for the public purpose of providing a grant  
41 to a national nonprofit organization with over 80  
42 years of experience in assisting children and adults  
43 with disabilities and special needs. The funds shall  
44 be used for a nationally recognized program that  
45 began in 1986 and has been replicated in at least 30



46 other states, but which is not available through any  
47 other entity in this state, that provides assistance  
48 to farmers with disabilities in all 99 counties to  
49 allow the farmers to remain in their own homes and  
50 be gainfully engaged in farming through provision

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1 of agricultural worksite and home modification  
2 consultations, peer support services, services to  
3 families, information and referral, and equipment  
4 loan services. Notwithstanding section 8.33, moneys  
5 appropriated in this section that remain unencumbered  
6 or unobligated at the close of the fiscal year shall  
7 not revert but shall remain available for expenditure  
8 for the purposes designated until the close of the  
9 succeeding fiscal year.>

10 9. Page 30, after line 8 by inserting:  
11 <Sec. \_\_\_\_. FISCAL YEAR 2009–2010 —  
12 APPROPRIATIONS. There is appropriated from the  
13 general fund of the state to the following departments  
14 and agencies for the fiscal year beginning July 1,  
15 2009, and ending June 30, 2010, the following amounts,  
16 or so much thereof as is necessary, to be used for the  
17 purposes designated:

18 1. DEPARTMENT OF MANAGEMENT  
19 For salaries, support, maintenance, and  
20 miscellaneous purposes:  
21 ..... \$ 200,000

22 2. DEPARTMENT OF REVENUE  
23 For the duties of the office of the state debt  
24 coordinator established in 2010 Iowa Acts, Senate  
25 File 2383, if enacted, including salaries, support,  
26 maintenance, services, advertising, miscellaneous  
27 purposes, and for not more than the following full-time  
28 equivalent positions:  
29 ..... \$ 300,000  
30 ..... FTEs 3.00

31 For the period beginning on the effective date of  
32 the section establishing the debt amnesty program in  
33 2010 Iowa Acts, Senate File 2383, through November 30,  
34 2010, or when the program is ended, whichever is later,  
35 an amount of the proceeds collected by the program  
36 equal to the administrative, advertising, and other  
37 costs of the program shall be considered repayment  
38 receipts, as defined in section 8.2, and shall be used  
39 by the office of the state debt coordinator for those  
40 costs.

41 Notwithstanding section 8.33, moneys appropriated in  
42 this section that remain unencumbered or unobligated  
43 at the close of the fiscal year shall not revert but  
44 shall remain available for expenditure for the purposes

45 designated until the close of the succeeding fiscal  
 46 year.>  
 47 10. Page 30, after line 21 by inserting:  
 48 <Sec. \_\_\_. INSURANCE DIVISION. There is  
 49 appropriated from the department of commerce revolving  
 50 fund created in section 546.12 to the insurance

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1 division of the department of commerce for the fiscal  
 2 year beginning July 1, 2010, and ending June 30,  
 3 2011, the following amount, or so much thereof as is  
 4 necessary, to be used for the purposes designated:  
 5 For salaries, support, maintenance, miscellaneous  
 6 purposes, and for not more than the following full-time  
 7 equivalent positions:  
 8 ..... \$ 55,000  
 9 ..... FTEs 1.00>  
 10 11. Page 30, after line 33 by inserting:  
 11 <\_\_\_. DEPARTMENT OF EDUCATION  
 12 a. To provide funding in addition to the amount  
 13 appropriated in 2010 Iowa Acts, Senate File 2376,  
 14 section 6, subsection 14, for allocation to eligible  
 15 school districts for the four-year-old preschool  
 16 program under chapter 256C:  
 17 ..... \$ 4,000,000  
 18 b. For school districts to provide direct  
 19 services to the most at-risk senior high school  
 20 students enrolled in school districts through direct  
 21 intervention by a jobs for America's graduates  
 22 specialist:  
 23 ..... \$ 540,000  
 24 \_\_\_. DEPARTMENT OF NATURAL RESOURCES  
 25 For operations, notwithstanding restrictions  
 26 otherwise applicable under 2010 Iowa Acts, House File  
 27 2525, relating to private buildings, if enacted:  
 28 ..... \$ 300,000  
 29 \_\_\_. DEPARTMENT OF HUMAN SERVICES  
 30 For funding of shelter care in addition to the  
 31 amount allocated for this purpose in the appropriation  
 32 for child and family services in 2010 Iowa Acts, House  
 33 File 2526, if enacted:  
 34 ..... \$ 500,000  
 35 \_\_\_. OFFICE OF ENERGY INDEPENDENCE  
 36 For deposit in the Iowa power fund:  
 37 ..... \$ 2,000,000>  
 38 12. Page 31, line 18, after <agreement> by  
 39 inserting <executed on or before December 31, 2011>  
 40 13. Page 31, line 22, after <subsection 8,> by  
 41 inserting <for its facilities described in section  
 42 327F.2 governed by the written agreement>  
 43 14. Page 32, after line 14 by inserting:

44 <Sec. \_\_\_\_\_. INSTRUCTIONAL SUPPORT INCOME  
 45 SURTAX. For the budget year beginning July 1, 2010,  
 46 and ending June 30, 2011, the board of directors  
 47 of a school district shall determine and notify the  
 48 department of management by May 1, 2010, whether the  
 49 district will use the instructional support income  
 50 surtax to replace that portion of the instructional

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1 support state aid appropriation shortfall for the  
 2 budget year beginning July 1, 2009. The amount of the  
 3 instructional support income surtax imposed pursuant  
 4 to this section shall not exceed the district's  
 5 proportional share of \$13,103,950 appropriation  
 6 shortfall. The income surtax rate imposed under  
 7 this section shall be expressed as a percentage and,  
 8 notwithstanding section 257.19, may be rounded to  
 9 the nearest thousandths. Notwithstanding the income  
 10 surtax percentage rate limitation in section 257.19 and  
 11 section 298.14, the income surtax rate imposed under  
 12 this section may exceed twenty percent if necessary to  
 13 raise the district's proportional share of \$13,103,950.  
 14 Revenue from the instructional support income surtax  
 15 imposed pursuant to this section shall be in addition  
 16 to any appropriation made in section 257.20.>

17 15. Page 32, after line 14 by inserting:

18 <Sec. \_\_\_\_\_. PUBLIC LIBRARY SUPPORT LEVY — ELECTION  
 19 DATE.

20 1. Notwithstanding the election date required under  
 21 section 384.12, subsections 1 and 21, a city may submit  
 22 a proposition relating to a public library property  
 23 tax levy to the electorate on a date specified in  
 24 section 39.2, subsection 4, paragraph "b", if all of  
 25 the following conditions are met:

26 a. The city is located in whole or in part in an  
 27 area that the governor proclaimed a disaster emergency  
 28 or the president of the United States declared a major  
 29 disaster, as the result of a natural disaster occurring  
 30 during the period of time beginning May 1, 2008, and  
 31 ending August 1, 2008.

32 b. The city contains a public library that was  
 33 damaged by the natural disaster described in paragraph  
 34 "a".

35 2. An election under subsection 1 shall be held not  
 36 later than August 2, 2011.>

37 16. Page 32, after line 27 by inserting:

38 <Sec. \_\_\_\_\_. LIMITED LIABILITY COMPANIES — BIENNIAL  
 39 REPORTS.

40 1. The biennial report fee, as determined by  
 41 the secretary of state in accordance with section  
 42 490A.1320, subsection 1, received for reports filed

43 on or after July 1, 2006, shall be credited to the  
44 general fund of the state. The biennial report fee  
45 shall be due at the time the report is filed. On or  
46 after July 1, 2006, such biennial reports shall be  
47 due in even-numbered calendar years during the period  
48 beginning January 1, and ending April 1, and shall  
49 contain information relating to the two-year period  
50 immediately preceding the calendar year in which the

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1 report is filed.  
2 2. a. This section, being deemed of immediate  
3 importance, takes effect upon enactment and applies  
4 retroactively to July 1, 2006.  
5 b. A limited liability company that has not filed  
6 the biennial report for 2008 or 2010 shall file such  
7 report on or before June 30, 2010.>  
8 17. Page 38, after line 11 by inserting:  
9 <Sec. \_\_\_. Section 123.30, subsection 3, paragraph  
10 e, subparagraph (1), Code Supplement 2009, is amended  
11 to read as follows:  
12 (1) A class "E" liquor control license may be  
13 issued and shall authorize the holder to purchase  
14 alcoholic liquor from the division only and high  
15 alcoholic content beer from a class "AA" beer permittee  
16 only and to sell the alcoholic liquor and high  
17 alcoholic content beer to patrons for consumption  
18 off the licensed premises and to other liquor control  
19 licensees. A class "E" license shall not be issued  
20 to premises at which gasoline is sold. A holder of  
21 a class "E" liquor control license may hold other  
22 retail liquor control licenses or retail wine or beer  
23 permits, but the premises licensed under a class "E"  
24 liquor control license shall be separate from other  
25 licensed premises, though the separate premises may  
26 have a common entrance. However, the holder of a class  
27 "E" liquor control license may also hold a class "B"  
28 wine or class "C" beer permit or both for the premises  
29 licensed under a class "E" liquor control license.>  
30 18. By striking page 39, line 33, through page 40,  
31 line 29.  
32 19. Page 40, after line 29 by inserting:  
33 <Sec. \_\_\_. **NEW SECTION.** 261D.4 Payment of dues.  
34 On an annual basis, the department of management  
35 shall apportion the dues assessed for membership in the  
36 midwestern higher education compact to various sectors  
37 of education including the department of education, the  
38 community college trustees, the Iowa association of  
39 independent colleges and universities, and the state  
40 board of regents. The apportionment shall be based on  
41 actual savings achieved in the previous fiscal year

42 by each sector of education in a manner determined  
 43 by the department of management. The department of  
 44 management shall make payment on behalf of the state  
 45 to the midwestern higher education compact commission  
 46 and shall seek reimbursement from each sector of  
 47 education based on the apportionment determined by the  
 48 department.>

49 20. Page 40, after line 29 by inserting:  
 50 <Sec. \_\_\_. Section 321.482A, unnumbered paragraph

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1 1, Code 2009, is amended to read as follows:  
 2 Notwithstanding section 321.482, a person who is  
 3 convicted of operating a motor vehicle in violation of  
 4 section 321.256, 321.257, section 321.275, subsection  
 5 4, section 321.297, 321.298, 321.299, 321.302, 321.303,  
 6 321.304, 321.305, 321.306, 321.307, 321.308, section  
 7 321.309, subsection 2, or section 321.311, 321.319,  
 8 321.320, 321.321, 321.322, 321.323, 321.323A, 321.324,  
 9 321.324A, 321.327, 321.329, or 321.333 causing serious  
 10 injury to or the death of another person may be subject  
 11 to the following penalties in addition to the penalty  
 12 provided for a scheduled violation in section 805.8A or  
 13 any other penalty provided by law:>

14 21. Page 40, after line 29 by inserting:  
 15 <Sec. \_\_\_. Section 421.27, subsection 6, Code 2009,  
 16 is amended to read as follows:

17 6. Improper receipt of refund or credit. A person  
 18 who makes an erroneous application for refund or  
 19 credit shall be liable for any overpayment received  
 20 or tax liability reduced plus interest at the rate  
 21 in effect under section 421.7. In addition, a  
 22 person who willfully makes a false or frivolous  
 23 application for refund or credit with intent to evade  
 24 tax or with intent to receive a refund or credit  
 25 to which the person is not entitled is guilty of  
 26 a fraudulent practice and is liable for a penalty  
 27 equal to seventy-five percent of the refund or credit  
 28 being claimed. ~~Repayments~~ ~~Payments~~, penalties, and  
 29 interest due under this subsection may be collected and  
 30 enforced in the same manner as the tax imposed.>

31 22. Page 40, after line 29 by inserting:  
 32 <Sec. \_\_\_. Section 421C.3, subsection 15, if  
 33 enacted by 2010 Iowa Acts, Senate File 2383, is amended  
 34 to read as follows:

35 15. a. The director of revenue shall establish an  
 36 account and shall deposit in the account all receipts  
 37 received under the program established by the state  
 38 debt coordinator. Not later than the fifteenth day of  
 39 each month, the director shall deposit amounts received  
 40 with the treasurer of state for deposit in the general

41 fund of the state.

42 b. Of the amount of debt actually collected  
43 pursuant to the program, the department of revenue  
44 shall retain an amount, not to exceed the amount  
45 collected, that is sufficient to pay for salaries,  
46 support, maintenance, services, advertising, and other  
47 costs incurred by the coordinator relating to the  
48 program. Revenues retained by the office pursuant to  
49 this lettered paragraph shall be considered repayment  
50 receipts as defined in section 8.2.>

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1 23. Page 42, after line 5 by inserting:

2 <Sec. \_\_\_\_ NEW SECTION. 514C.26 Autism spectrum  
3 disorders coverage.

4 1. Notwithstanding the uniformity of treatment  
5 requirements of section 514C.6, a group plan  
6 established pursuant to chapter 509A for employees  
7 of the state providing for third-party payment or  
8 prepayment of health, medical, and surgical coverage  
9 benefits shall provide coverage benefits to covered  
10 individuals under twenty-one years of age for the  
11 diagnostic assessment of autism spectrum disorders and  
12 for the treatment of autism spectrum disorders.

13 2. As used in this section, unless the context  
14 otherwise requires:

15 a. "Applied behavioral analysis" means the design,  
16 implementation, and evaluation of environmental  
17 modifications, using behavioral stimuli and  
18 consequences, to produce socially significant  
19 improvement in human behavior or to prevent loss of  
20 attained skill or function, including the use of direct  
21 observation, measurement, and functional analysis of  
22 the relations between environment and behavior.

23 b. "Autism service provider" means a person,  
24 entity, or group providing treatment of autism spectrum  
25 disorders, pursuant to a treatment plan.

26 c. "Autism spectrum disorders" means any of  
27 the pervasive developmental disorders including  
28 autistic disorder, Asperger's disorder, and pervasive  
29 developmental disorders not otherwise specified. The  
30 commissioner, by rule, shall define "autism spectrum  
31 disorders" consistent with definitions provided in  
32 the most recent edition of the American psychiatric  
33 association's diagnostic and statistical manual of  
34 mental disorders, as such definitions may be amended  
35 from time to time. The commissioner may adopt the  
36 definitions provided in such manual by reference.

37 d. "Behavior specialist" means an individual,  
38 certified by the board of medicine, who designs,  
39 implements, or evaluates a behavior modification

40 intervention component of a treatment plan, including  
41 those based on applied behavioral analysis, to produce  
42 socially significant improvements in human behavior or  
43 to prevent loss of attained skill or function, through  
44 skill acquisition and the reduction of problematic  
45 behavior.

46 e. "Diagnostic assessment of autism spectrum  
47 disorders" means medically necessary assessment,  
48 evaluations, or tests performed by a licensed  
49 physician, licensed physician assistant, licensed  
50 psychologist, or licensed registered nurse practitioner

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1 to diagnose whether an individual has an autism  
2 spectrum disorder.

3 f. "Pharmacy care" means medications prescribed by  
4 a licensed physician, licensed physician assistant,  
5 or licensed registered nurse practitioner and any  
6 assessment, evaluation, or test prescribed or ordered  
7 by a licensed physician, licensed physician assistant,  
8 or licensed registered nurse practitioner to determine  
9 the need for or effectiveness of such medications.

10 g. "Psychiatric care" means direct or consultative  
11 services provided by a licensed physician who  
12 specializes in psychiatry.

13 h. "Psychological care" means direct or consultative  
14 services provided by a licensed psychologist.

15 i. "Rehabilitative care" means professional services  
16 and treatment programs, including applied behavioral  
17 analysis, provided by an autism service provider to  
18 produce socially significant improvement in human  
19 behavior or to prevent loss of attained skill or  
20 function.

21 j. "Therapeutic care" means services provided by  
22 a licensed speech pathologist, licensed occupational  
23 therapist, or licensed physical therapist.

24 k. "Treatment of autism spectrum disorders" means  
25 treatment that is identified in a treatment plan and  
26 includes medically necessary pharmacy care, psychiatric  
27 care, psychological care, rehabilitative care, and  
28 therapeutic care that is one of the following:

29 (1) Prescribed, ordered, or provided by a licensed  
30 physician, licensed physician assistant, licensed  
31 psychologist, licensed social worker, or licensed  
32 registered nurse practitioner.

33 (2) Provided by an autism service provider.

34 (3) Provided by a person, entity, or group that  
35 works under the direction of an autism service  
36 provider.

37 l. "Treatment plan" means a plan for the treatment  
38 of autism spectrum disorders developed by a licensed

39 physician or licensed psychologist pursuant to a  
40 comprehensive evaluation or reevaluation performed  
41 in a manner consistent with the most recent clinical  
42 report or recommendations of the American academy of  
43 pediatrics, as determined by the commissioner by rule.  
44 3. Coverage is required pursuant to this section in  
45 a maximum benefit amount of not more than thirty-six  
46 thousand dollars per year but shall not be subject  
47 to any limits on the number of visits to an autism  
48 service provider for treatment of autism spectrum  
49 disorders. Beginning in 2014, the commissioner  
50 shall, on or before April 1 of each calendar year,

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1 publish an adjustment to the maximum benefit required  
2 equal to the percentage change in the United States  
3 department of labor consumer price index for all urban  
4 consumers in the preceding year, and the published  
5 adjusted maximum benefit shall be applicable to group  
6 policies, contracts, or plans subject to this section  
7 that are issued or renewed on or after January 1 of  
8 the following calendar year. Payments made under a  
9 group plan subject to this section on behalf of a  
10 covered individual for treatment of a health condition  
11 unrelated to or distinguishable from the individual's  
12 autism spectrum disorder shall not be applied toward  
13 any maximum benefit established under this subsection.  
14 4. Coverage required pursuant to this section shall  
15 be subject to copayment, deductible, and coinsurance  
16 provisions, and any other general exclusions or  
17 limitations of a group plan to the same extent as other  
18 medical or surgical services covered by the group plan.  
19 5. Coverage required by this section shall be  
20 provided in coordination with coverage required for the  
21 treatment of autistic disorders pursuant to section  
22 514C.22.  
23 6. This section shall not be construed to limit  
24 benefits which are otherwise available to an individual  
25 under a group plan.  
26 7. This section shall not be construed to require  
27 coverage by a group plan of any service solely based on  
28 inclusion of the service in an individualized education  
29 program. Consistent with federal or state law and  
30 upon consent of the parent or guardian of a covered  
31 individual, the treatment of autism spectrum disorders  
32 may be coordinated with any services included in an  
33 individualized education program. However, coverage  
34 for the treatment of autism spectrum disorders shall  
35 not be contingent upon coordination of services with an  
36 individualized education program.  
37 8. This section shall not apply to accident-only,



38 specified disease, short-term hospital or medical,  
39 hospital confinement indemnity, credit, dental, vision,  
40 Medicare supplement, long-term care, basic hospital  
41 and medical-surgical expense coverage as defined  
42 by the commissioner, disability income insurance  
43 coverage, coverage issued as a supplement to liability  
44 insurance, workers' compensation or similar insurance,  
45 or automobile medical payment insurance, or individual  
46 accident and sickness policies issued to individuals or  
47 to individual members of a member association.  
48 9. A plan established pursuant to chapter 509A for  
49 employees of the state may manage the benefits provided  
50 through common methods including but not limited to

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1 providing payment of benefits or providing care and  
2 treatment under a capitated payment system, prospective  
3 reimbursement rate system, utilization control system,  
4 incentive system for the use of least restrictive and  
5 costly levels of care, a preferred provider contract  
6 limiting choice of specific providers, or any other  
7 system, method, or organization designed to assure  
8 services are medically necessary and clinically  
9 appropriate.

10 10. An insurer may review a treatment plan for  
11 treatment of autism spectrum disorders once every six  
12 months, subject to its utilization review requirements,  
13 including case management, concurrent review, and  
14 other managed care provisions. A more or less frequent  
15 review may be agreed upon by the insured and the  
16 licensed physician or licensed psychologist developing  
17 the treatment plan.

18 11. For the purposes of this section, the results  
19 of a diagnostic assessment of autism spectrum disorder  
20 shall be valid for a period of not less than twelve  
21 months, unless a licensed physician or licensed  
22 psychologist determines that a more frequent assessment  
23 is necessary.

24 12. The board of medicine shall adopt rules  
25 providing for the certification of behavior  
26 specialists.

27 a. An applicant for a certificate as a behavior  
28 specialist shall submit a written application on  
29 forms provided by the board of medicine evidencing and  
30 insuring that the applicant meets all of the following  
31 requirements:

32 (1) Is of good moral character.

33 (2) Has received a master's or higher degree from  
34 a board-approved, accredited college or university,  
35 including a major course of study in school, clinical,  
36 or counseling psychology, special education, social

37 work, speech therapy, occupational therapy, or another  
38 related field.

39 (3) Has at least one year of experience involving  
40 functional behavior assessments, including the  
41 development and implementation of behavioral supports  
42 or treatment plans.

43 (4) Has completed at least one thousand hours  
44 in direct clinical experience with individuals with  
45 behavioral challenges or at least one thousand hours  
46 experience in a related field with individuals with  
47 autism spectrum disorders.

48 (5) Has completed relevant training programs,  
49 including professional ethics, autism-specific  
50 training, assessments training, instructional

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1 strategies and best practices, crisis intervention,  
2 comorbidity and medications, family collaboration, and  
3 addressing specific skill deficits training.

4 b. The board of medicine shall not issue a  
5 certificate to an applicant who has been convicted of a  
6 felony, of a controlled substance-related offense under  
7 chapter 124 or of the laws of another jurisdiction  
8 unless all of the following requirements have been met:

9 (1) At least ten years have elapsed from the date  
10 of conviction of such an offense.

11 (2) The applicant satisfactorily demonstrates to  
12 the board of medicine that the applicant has made  
13 significant progress in personal rehabilitation since  
14 the conviction such that certification of the applicant  
15 would not be expected to create a substantial risk  
16 of harm to the health and safety of patients or the  
17 public, or a substantial risk of further criminal  
18 violations.

19 (3) The applicant otherwise satisfies the  
20 requirements of this subsection.

21 13. The commissioner shall adopt rules pursuant to  
22 chapter 17A to implement and administer this section.

23 14. This section applies to plans established  
24 pursuant to chapter 509A for employees of the state  
25 that are delivered, issued for delivery, continued, or  
26 renewed in this state on or after January 1, 2011.>

27 24. Page 42, after line 20 by inserting:

28 <Sec. \_\_\_\_ 2010 Iowa Acts, Senate File 2378,  
29 section 15, if enacted, is amended to read as follows:

30 SEC. 15. GAMING ENFORCEMENT. There is appropriated  
31 from the gaming enforcement revolving fund created in  
32 section 80.43 to the department of public safety for  
33 the fiscal year beginning July 1, 2010, and ending June  
34 30, 2011, the following amount, or so much thereof as  
35 is necessary, to be used for the purposes designated:

36 For any direct and indirect support costs for  
 37 agents and officers of the division of criminal  
 38 investigation's excursion gambling boat, gambling  
 39 structure, and racetrack enclosure enforcement  
 40 activities, including salaries, support, maintenance,  
 41 miscellaneous purposes, and for not more than the  
 42 following full-time equivalent positions:  
 43 ..... \$ 8,851,775  
 44 ..... 9,315,306  
 45 ..... FTEs 115.00  
 46 However, for each additional license to conduct  
 47 gambling games on an excursion gambling boat, gambling  
 48 structure, or racetrack enclosure issued during the  
 49 period beginning July 1, 2009, through June 30, 2011,  
 50 there is appropriated from the gaming enforcement fund

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1 to the department of public safety for the fiscal year  
 2 beginning July 1, 2010, and ending June 30, 2011, an  
 3 additional amount of not more than \$521,000 to be used  
 4 for not more than 6.00 additional full-time equivalent  
 5 positions.>  
 6 25. Page 42, after line 20 by inserting:  
 7 <Sec. \_\_\_\_ REPEAL. 2010 Iowa Acts, House File  
 8 2525, section 6, is repealed.>  
 9 26. Page 42, after line 25 by inserting:  
 10 <Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT. The provision  
 11 of this division of this Act appropriating moneys from  
 12 the general fund of the state to the department of  
 13 management and to the department of revenue for fiscal  
 14 year 2009–2010, being deemed of immediate importance,  
 15 takes effect upon enactment.>  
 16 27. Page 42, after line 25 by inserting:  
 17 <Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
 18 APPLICABILITY. The provision of this division of this  
 19 Act amending section 123.30, subsection 3, paragraph  
 20 “e”, subparagraph (1), being deemed of immediate  
 21 importance, takes effect upon enactment, and is  
 22 retroactively applicable to March 10, 2010.>  
 23 28. Page 42, after line 25 by inserting:  
 24 <Sec. \_\_\_\_ EFFECTIVE DATE. The provision of this  
 25 division of this Act amending section 421.3, if enacted  
 26 by 2010 Iowa Acts, Senate File 2383, takes effect on  
 27 the effective date of section 421C.3.>  
 28 29. Page 42, after line 25 by inserting:  
 29 <Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT. The  
 30 provision of this division of this Act relating to the  
 31 instructional support income surtax, being deemed of  
 32 immediate importance, takes effect upon enactment.>  
 33 30. By striking page 43, line 8, through page 44,  
 34 line 28.

35 31. Page 46, after line 5 by inserting:  
 36 <DIVISION \_\_\_\_  
 37 WINE  
 38 Section 1. Section 123.183, Code 2009, is amended  
 39 to read as follows:  
 40 123.183 Wine gallonage tax and related funds.  
 41 1. In addition to the annual permit fee to be paid  
 42 by each class "A" wine permittee, a wine gallonage tax  
 43 shall be levied and collected from each class "A" wine  
 44 permittee on all wine manufactured for sale and sold  
 45 in this state at wholesale and on all wine imported  
 46 into this state for sale at wholesale and sold in this  
 47 state at wholesale. A wine gallonage tax shall also  
 48 be levied and collected on the direct shipment of wine  
 49 pursuant to section 123.187. The rate of the wine  
 50 gallonage tax is one dollar and seventy-five cents for

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1 each wine gallon. The same rate shall apply for the  
 2 fractional parts of a wine gallon. The wine gallonage  
 3 tax shall not be levied or collected on wine sold by  
 4 one class "A" wine permittee to another class "A" wine  
 5 permittee.  
 6 2. a. Revenue collected from the wine gallonage  
 7 tax on wine manufactured for sale and sold in this  
 8 state, and on wine subject to direct shipment as  
 9 provided in section 123.187 by a wine manufacturer  
 10 licensed or permitted pursuant to laws regulating  
 11 alcoholic beverages in this state, shall be deposited  
 12 in the wine gallonage tax fund as created in this  
 13 section.  
 14 b. A wine gallonage tax fund is created in the  
 15 office of the treasurer of state. Moneys deposited in  
 16 the fund are appropriated to the department of economic  
 17 development as provided in section 15E.117. Moneys in  
 18 the fund are not subject to section 8.33.  
 19 3. The revenue collected from the wine gallonage  
 20 tax on wine imported into this state for sale at  
 21 wholesale and sold in this state at wholesale, and on  
 22 wine subject to direct shipment as provided in section  
 23 123.187 by a wine manufacturer licensed or permitted  
 24 pursuant to laws regulating alcoholic beverages in  
 25 another state, shall be deposited in the beer and  
 26 liquor control fund created in section 123.53.  
 27 Sec. \_\_\_\_ Section 123.187, subsection 4, as enacted  
 28 by 2010 Iowa Acts, Senate File 2088, section 100, is  
 29 amended to read as follows:  
 30 4. a. In addition to the annual license fee,  
 31 a wine direct shipper licensee shall remit to the  
 32 division an amount equivalent to the wine gallonage  
 33 tax on wine subject to direct shipment at the rate

34 specified in section 123.183 for deposit as provided in  
35 section 123.183, subsections 2 and 3. The amount shall  
36 be remitted at the same time and in the same manner  
37 as provided in section 123.184, and the ten percent  
38 penalty specified therein shall be applicable.

39 b. Shipment of wine pursuant to this subsection  
40 does not require a refund value for beverage container  
41 control purposes under chapter 455C.>

42 32. Page 46, after line 5 by inserting:

43 <DIVISION \_\_\_\_

44 MEDICATION THERAPY MANAGEMENT

45 Sec. \_\_\_\_ MEDICATION THERAPY MANAGEMENT — PILOT —  
46 REPEAL.

47 1. As used in this section unless the context  
48 otherwise requires:

49 a. “Eligible employee” means an employee of the  
50 state, with the exception of an employee of the state

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1 board of regents or institutions under the state board  
2 of regents, for whom group health plans are established  
3 pursuant to chapter 509A providing for third-party  
4 payment or prepayment for health or medical expenses.

5 b. “Medication therapy management” means a  
6 systematic process performed by a licensed pharmacist,  
7 designed to optimize therapeutic outcomes through  
8 improved medication use and reduced risk of adverse  
9 drug events, including all of the following services:

10 (1) A medication therapy review and in-person  
11 consultation relating to all medications, vitamins, and  
12 herbal supplements currently being taken by an eligible  
13 individual.

14 (2) A medication action plan, subject to the  
15 limitations specified in this section, communicated  
16 to the individual and the individual’s primary care  
17 physician or other appropriate prescriber to address  
18 safety issues, inconsistencies, duplicative therapy,  
19 omissions, and medication costs. The medication action  
20 plan may include recommendations to the prescriber for  
21 changes in drug therapy.

22 (3) Documentation and follow-up to ensure  
23 consistent levels of pharmacy services and positive  
24 outcomes.

25 2. a. Prior to July 1, 2010, the department of  
26 administrative services shall utilize a request for  
27 proposals process to contract for the provision of  
28 medication therapy management services beginning July  
29 1, 2010, for eligible employees who meet any of the  
30 following criteria:

31 (1) An individual who takes four or more  
32 prescription drugs to treat or prevent two or more

33 chronic medical conditions.

34 (2) An individual with a prescription drug therapy  
35 problem who is identified by the prescribing physician  
36 or other appropriate prescriber, and referred to a  
37 pharmacist for medication therapy management services.

38 (3) An individual who meets other criteria  
39 established by the third-party payment provider  
40 contract, policy, or plan.

41 b. The department of administrative services shall  
42 utilize an advisory committee comprised of an equal  
43 number of physicians and pharmacists to provide advice  
44 and oversight regarding the request for proposals and  
45 evaluation processes. The department shall appoint the  
46 members of the advisory council based upon designees  
47 of the Iowa pharmacy association, the Iowa medical  
48 society, and the Iowa osteopathic medical association.

49 c. The contract shall require the company to  
50 provide annual reports to the general assembly

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1 detailing the costs, savings, estimated cost avoidance  
2 and return on investment, and patient outcomes  
3 related to the medication therapy management services  
4 provided. The company shall guarantee demonstrated  
5 annual savings, including any savings associated with  
6 cost avoidance at least equal to the program's costs  
7 with any shortfall amount refunded to the state. As  
8 a proof of concept in the program for the period  
9 beginning July 1, 2010, and ending June 30, 2011, the  
10 company shall offer a dollar-for-dollar guarantee for  
11 drug product costs savings alone. Prior to entering  
12 into a contract with a company, the department and  
13 the company shall agree on the terms, conditions,  
14 and applicable measurement standards associated  
15 with the demonstration of savings. The department  
16 shall verify the demonstrated savings reported by  
17 the company was performed in accordance with the  
18 agreed upon measurement standards. The company shall  
19 be prohibited from using the company's employees to  
20 provide the medication therapy management services and  
21 shall instead be required to contract with licensed  
22 pharmacies, pharmacists, or physicians.

23 d. The fees for pharmacist-delivered medication  
24 therapy management services shall be separate from  
25 the reimbursement for prescription drug product or  
26 dispensing services; shall be determined by each  
27 third-party payment provider contract, policy, or plan;  
28 and must be reasonable based on the resources and time  
29 required to provide the service.

30 e. A fee shall be established for physician  
31 reimbursement for services delivered for medication

32 therapy management as determined by each third-party  
33 payment provider contract, policy, or plan, and must be  
34 reasonable based on the resources and time required to  
35 provide the service.

36 f. If any part of the medication therapy management  
37 plan developed by a pharmacist incorporates services  
38 which are outside the pharmacist's independent scope  
39 of practice including the initiation of therapy,  
40 modification of dosages, therapeutic interchange, or  
41 changes in drug therapy, the express authorization  
42 of the individual's physician or other appropriate  
43 prescriber is required.

44 3. This section is repealed December 31, 2011.

45 Sec. \_\_\_\_ DEPARTMENT OF ADMINISTRATIVE SERVICES —  
46 IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE  
47 TANK FUND. There is appropriated from the Iowa  
48 comprehensive petroleum underground storage tank  
49 fund created in section 455G.3 to the department of  
50 administrative services for the fiscal year beginning

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1 July 1, 2010, and ending June 30, 2011, the following  
2 amount, or so much thereof as is necessary, to be used  
3 for the purposes of this division, notwithstanding  
4 section 455G.3, subsection 1:

5 ..... \$ 543,000

6 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT. This division  
7 of this Act, being deemed of immediate importance,  
8 takes effect upon enactment.>

9 33. Page 46, after line 5 by inserting:

10 <DIVISION \_\_\_\_  
11 IOWA COMPREHENSIVE PETROLEUM  
12 UNDERGROUND STORAGE TANK FUND

13 Sec. \_\_\_\_ Section 455B.474, subsection 1, paragraph  
14 d, subparagraph (2), unnumbered paragraph 1, Code  
15 Supplement 2009, is amended to read as follows:

16 A site shall be classified as either high risk,  
17 low risk, or no action required, as determined by a  
18 certified groundwater professional.

19 Sec. \_\_\_\_ Section 455B.474, subsection 1, paragraph  
20 d, subparagraph (2), subparagraph division (a),  
21 unnumbered paragraph 1, Code Supplement 2009, is  
22 amended to read as follows:

23 A site shall be considered high risk when ~~it is~~  
24 determined a certified groundwater professional  
25 determines that contamination from the site presents an  
26 unreasonable risk to public health and safety or the  
27 environment under any of the following conditions:

28 Sec. \_\_\_\_ Section 455B.474, subsection 1, paragraph  
29 d, subparagraph (2), subparagraph division (b),  
30 unnumbered paragraph 1, Code Supplement 2009, is

31 amended to read as follows:

32 A site shall be considered low risk ~~under any of~~  
 33 ~~the following conditions when a certified groundwater~~  
 34 ~~professional determines that low risk conditions exist~~  
 35 ~~as follows:~~

36 Sec. \_\_\_\_ Section 455B.474, subsection 1, paragraph  
 37 d, subparagraph (2), subparagraph divisions (c) and  
 38 (e), Code Supplement 2009, are amended to read as  
 39 follows:

40 (c) A site shall be considered no action required  
 41 ~~if and a no further action certificate shall be~~  
 42 ~~issued by the department when a certified groundwater~~  
 43 ~~professional determines that~~ contamination is below  
 44 action level standards and high or low risk conditions  
 45 do not exist and are not likely to occur.

46 (e) A site cleanup report which classifies a  
 47 site as either high risk, low risk, or no action  
 48 required shall be submitted by a groundwater  
 49 professional to the department with a certification  
 50 that the report complies with the provisions of this

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1 chapter and rules adopted by the department. The  
 2 report shall be determinative of the appropriate  
 3 classification of the site. ~~However, if the report~~  
 4 ~~is found to be and the site shall be classified as~~  
 5 ~~indicated by the groundwater professional unless,~~  
 6 ~~within ninety days of receipt by the department,~~  
 7 ~~the department identifies material information in~~  
 8 ~~the report that is inaccurate or incomplete, and~~  
 9 ~~if based upon inaccurate or incomplete information~~  
 10 in the report the risk classification of the site  
 11 cannot be reasonably determined by the department  
 12 based upon industry standards, ~~the department shall,~~  
 13 ~~If the department determines that the site cleanup~~  
 14 ~~report is inaccurate or incomplete, the department~~  
 15 ~~shall notify the groundwater professional of the~~  
 16 ~~inaccurate or incomplete information within ninety~~  
 17 ~~days of receipt of the report and shall work with~~  
 18 the groundwater professional to obtain ~~the correct~~  
 19 ~~information or~~ additional information necessary  
 20 to appropriately classify the site. ~~However, from~~  
 21 ~~July 1, 2010, through June 30, 2011, the department~~  
 22 ~~shall have one hundred twenty days to notify the~~  
 23 ~~certified groundwater professional when a report is~~  
 24 ~~not accepted based on material information that is~~  
 25 ~~found to be inaccurate or incomplete.~~ A groundwater  
 26 professional who knowingly or intentionally makes a  
 27 false statement or misrepresentation which results in  
 28 a mistaken classification of a site shall be guilty of  
 29 a serious misdemeanor and shall have the groundwater



30 professional's certification revoked under this  
31 section.  
32 Sec. \_\_\_\_ Section 455B.474, subsection 1, paragraph  
33 f, subparagraphs (5), (6), and (7), Code Supplement  
34 2009, are amended to read as follows:  
35 (5) A corrective action design report submitted by  
36 a groundwater professional shall be accepted by the  
37 department and shall be primarily relied upon by the  
38 department to determine the corrective action response  
39 requirements of the site. However, ~~if the corrective~~  
40 ~~action design report is found to be within ninety days~~  
41 ~~of receipt of a corrective action design report, the~~  
42 ~~department identifies material information in the~~  
43 ~~corrective action design report that is inaccurate or~~  
44 ~~incomplete, and if based upon information in the report~~  
45 ~~the appropriate corrective action response cannot be~~  
46 ~~reasonably determined by the department based upon~~  
47 ~~industry standards, the department shall notify the~~  
48 ~~groundwater professional that the corrective action~~  
49 ~~design report is not accepted, and the department~~  
50 ~~shall work with the groundwater professional to correct~~

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1 ~~the material information or to~~ obtain the additional  
2 information necessary to appropriately determine the  
3 corrective action response requirements ~~as soon as~~  
4 ~~practicable. However, from July 1, 2010, through June~~  
5 ~~30, 2011, the department shall have one hundred twenty~~  
6 ~~days to notify the certified groundwater professional~~  
7 ~~when a corrective action design report is not accepted~~  
8 ~~based on material information that is found to be~~  
9 ~~inaccurate or incomplete.~~ A groundwater professional  
10 who knowingly or intentionally makes a false statement  
11 or misrepresentation which results in an improper or  
12 incorrect corrective action response shall be guilty of  
13 a serious misdemeanor and shall have the groundwater  
14 professional's certification revoked under this  
15 section.  
16 (6) Low risk sites shall be monitored as deemed  
17 necessary by the department consistent with industry  
18 standards. Monitoring shall not be required on a site  
19 which has received a no further action certificate.  
20 ~~A site that has maintained less than the applicable~~  
21 ~~target level for four consecutive sampling events shall~~  
22 ~~be reclassified as a no action required site regardless~~  
23 ~~of exit monitoring criteria and guidance.~~  
24 (7) An owner or operator may elect to proceed with  
25 additional corrective action on the site. However,  
26 any action taken in addition to that required pursuant  
27 to this paragraph "f" shall be solely at the expense  
28 of the owner or operator and shall not be considered

29 corrective action for purposes of section 455G.9,  
 30 unless otherwise previously agreed to by the board  
 31 and the owner or operator pursuant to section 455G.9,  
 32 subsection 7. Corrective action taken by an owner or  
 33 operator due to the department's failure to meet the  
 34 time requirements provided in subparagraph (5), shall  
 35 be considered corrective action for purposes of section  
 36 455G.9.

37 Sec. \_\_\_\_ Section 455B.474, subsection 1, paragraph  
 38 h, subparagraphs (1) and (3), Code Supplement 2009, are  
 39 amended to read as follows:

40 (1) A no further action certificate shall be  
 41 issued by the department for a site which has been  
 42 classified as a no further action site or which  
 43 has been reclassified pursuant to completion of a  
 44 corrective action plan or monitoring plan to be a no  
 45 further action site by a groundwater professional,  
 46 unless within ninety days of receipt of the report  
 47 submitted by the groundwater professional classifying  
 48 the site, the department notifies the groundwater  
 49 professional that the report and site classification  
 50 are not accepted and the department identifies

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1 material information in the report that is inaccurate  
 2 or incomplete which causes the department to be  
 3 unable to accept the classification of the site.  
 4 An owner or operator shall not be responsible for  
 5 additional assessment, monitoring, or corrective  
 6 action activities at a site that is issued a no further  
 7 action certificate unless it is determined that the  
 8 certificate was issued based upon false material  
 9 statements that were knowingly or intentionally made  
 10 by a groundwater professional and the false material  
 11 statements resulted in the incorrect classification of  
 12 the site.

13 (3) A certificate shall be recorded with the county  
 14 recorder. The owner or operator of a site who has been  
 15 issued a certificate under this paragraph "h" or a  
 16 subsequent purchaser of the site shall not be required  
 17 to perform further corrective action ~~solely~~ because  
 18 action standards are changed at a later date. A  
 19 certificate shall not prevent the department from  
 20 ordering corrective action of a new release.

21 Sec. \_\_\_\_ Section 455B.479, Code 2009, is amended  
 22 to read as follows:

23 455B.479 Storage tank management fee.

24 An owner or operator of an underground storage  
 25 tank shall pay an annual storage tank management fee  
 26 of sixty-five dollars per tank of over one thousand  
 27 one hundred gallons capacity. ~~Twenty three percent~~

28 ~~of the~~ The fees collected shall be deposited in the  
 29 storage tank management account of the groundwater  
 30 protection fund. ~~Seventy seven percent of the fees~~  
 31 ~~collected shall be deposited in the Iowa comprehensive~~  
 32 ~~petroleum underground storage tank fund created in~~  
 33 ~~chapter 455G.~~  
 34 Sec. \_\_. Section 455E.11, subsection 2, paragraph  
 35 d, Code Supplement 2009, is amended to read as follows:  
 36 d. A storage tank management account. All fees  
 37 collected pursuant to section 455B.473, subsection 5,  
 38 and section 455B.479, shall be deposited in the storage  
 39 tank management account, ~~except those moneys deposited~~  
 40 ~~into the Iowa comprehensive petroleum underground~~  
 41 ~~storage tank fund pursuant to section 455B.479. Funds,~~  
 42 Moneys deposited in the account shall be expended for  
 43 the following purposes:  
 44 (1) One thousand dollars is appropriated annually  
 45 to the Iowa department of public health to carry out  
 46 departmental duties under section 135.11, subsections  
 47 19 and 20, and section 139A.21.  
 48 (2) ~~Twenty three percent of the proceeds of the~~  
 49 ~~fees imposed pursuant to section 455B.473, subsection~~  
 50 ~~5, and section 455B.479 shall be deposited in the~~

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1 ~~account annually, up to a maximum of three hundred~~  
 2 ~~fifty thousand dollars. If twenty three percent of the~~  
 3 ~~proceeds exceeds three hundred fifty thousand dollars,~~  
 4 ~~the excess shall be deposited into the fund created in~~  
 5 ~~section 455G.3. Three hundred fifty thousand dollars~~  
 6 ~~is~~ The moneys remaining in the account after the  
 7 appropriation in subparagraph (1) are appropriated from  
 8 the storage tank management account to the department  
 9 of natural resources for the administration of a state  
 10 storage tank program pursuant to chapter 455B, division  
 11 IV, part 8, and for programs which reduce the potential  
 12 for harm to the environment and the public health from  
 13 storage tanks.  
 14 (3) ~~The remaining funds in the account are~~  
 15 ~~appropriated annually to the Iowa comprehensive~~  
 16 ~~petroleum underground storage tank fund. Each fiscal~~  
 17 ~~year, the department of natural resources shall enter~~  
 18 ~~into an agreement with the Iowa comprehensive petroleum~~  
 19 ~~underground storage tank fund for the completion~~  
 20 ~~of administrative tasks during the fiscal year~~  
 21 ~~directly related to the evaluation and modification~~  
 22 ~~of risk based corrective action rules as necessary~~  
 23 ~~and processes that affect the administration in~~  
 24 ~~subparagraph (2).~~  
 25 Sec. \_\_. Section 455G.3, Code 2009, is amended by  
 26 adding the following new subsections:

27 NEW SUBSECTION. 6. For the fiscal year beginning  
 28 July 1, 2010, and each fiscal year thereafter, there  
 29 is appropriated from the Iowa comprehensive petroleum  
 30 underground storage tank fund to the department of  
 31 natural resources two hundred thousand dollars for  
 32 purposes of technical review support to be conducted  
 33 by nongovernmental entities for leaking underground  
 34 storage tank assessments.

35 NEW SUBSECTION. 7. For the fiscal year beginning  
 36 July 1, 2010, there is appropriated from the Iowa  
 37 comprehensive petroleum underground storage tank fund  
 38 to the department of natural resources one hundred  
 39 thousand dollars for purposes of database modifications  
 40 necessary to accept batched external data regarding  
 41 underground storage tank inspections conducted by  
 42 nongovernmental entities.

43 NEW SUBSECTION. 8. For the fiscal year beginning  
 44 July 1, 2010, and each fiscal year thereafter, there  
 45 is appropriated from the Iowa comprehensive petroleum  
 46 underground storage tank fund to the department of  
 47 agriculture and land stewardship two hundred fifty  
 48 thousand dollars for the sole and exclusive purpose  
 49 of inspecting fuel quality at pipeline terminals  
 50 and renewable fuel production facilities, including

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1 salaries, support, maintenance, and miscellaneous  
 2 purposes.

3 NEW SUBSECTION. 9. Beginning September 1, 2010,  
 4 the board shall administer safety training, hazardous  
 5 material training, environmental training, and  
 6 underground storage tank operator training in the  
 7 state to be provided by an entity approved by the  
 8 department of natural resources. The training provided  
 9 pursuant to this subsection shall be available to any  
 10 tank operator in the state at an equal and reasonable  
 11 cost and shall not be conditioned upon any other  
 12 requirements. Each fiscal year, the board shall not  
 13 expend more than two hundred fifty thousand dollars  
 14 from the Iowa comprehensive petroleum underground  
 15 storage tank fund for purposes of administering this  
 16 subsection.

17 Sec. \_\_\_\_ Section 455G.4, subsection 1, paragraph  
 18 a, subparagraphs (3) and (5), Code Supplement 2009, are  
 19 amended to read as follows:

20 (3) ~~The commissioner of insurance, or the~~  
 21 ~~commissioner's designee. An employee of the department~~  
 22 of management who has been designated as a risk manager  
 23 by the director of the department of management.

24 (5) Two owners or operators appointed by the  
 25 governor. ~~One of the owners or operators appointed~~

26 ~~pursuant to this subparagraph shall have been a~~  
 27 ~~petroleum systems insured through the underground~~  
 28 ~~storage tank insurance fund as it existed on June 30,~~  
 29 ~~2004, or a successor to the underground storage tank~~  
 30 ~~insurance fund and shall have been an insured through~~  
 31 ~~the insurance account of the comprehensive petroleum~~  
 32 ~~underground storage tank fund on or before October~~  
 33 ~~26, 1990. One of the owners or operators appointed~~  
 34 ~~pursuant to this subparagraph shall be self-insured. as~~  
 35 ~~follows:~~

36 (a) One member shall be an owner or operator who is  
 37 self-insured.

38 (b) One member shall be a member of the petroleum  
 39 marketers and convenience stores of Iowa or its  
 40 designee.

41 Sec. \_\_. Section 455G.8, subsection 3, Code 2009,  
 42 is amended by striking the subsection.

43 Sec. \_\_. Section 455G.9, subsection 1, paragraphs  
 44 d, k, and l, Code 2009, are amended to read as follows:

45 d. One hundred percent of the costs of corrective  
 46 action and third-party liability for a release situated  
 47 on property acquired by a county for delinquent taxes  
 48 pursuant to chapters 445 through 448, for which a  
 49 responsible owner or operator able to pay, other  
 50 than the county, cannot be found. A county is not

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1 a “responsible party” for a release in connection  
 2 with property which it acquires in connection with  
 3 delinquent taxes, and does not become a responsible  
 4 party by sale or transfer of property so acquired. In  
 5 such situations, the board may act as an agent for  
 6 the county. Actual corrective action on the site  
 7 shall be overseen by the department, the board, and  
 8 a certified groundwater professional. Third-party  
 9 liability specifically excludes any claim, cause of  
 10 action, or suit, for personal injury including, but  
 11 not limited to, loss of use or of private enjoyment,  
 12 mental anguish, false imprisonment, wrongful entry or  
 13 eviction, humiliation, discrimination, or malicious  
 14 prosecution. Reasonable acquisition costs do not  
 15 include any taxes or costs related to the collection  
 16 of taxes.

17 k. Pursuant to an agreement between the board and  
 18 the department of natural resources, assessment and  
 19 corrective action arising out of releases at sites for  
 20 which a no further action certificate has been issued  
 21 pursuant to section 455B.474, when the department  
 22 determines that an unreasonable risk to public health  
 23 and safety may still exist or that previously reported  
 24 upon applicable target levels have been exceeded. At

25 a minimum, the agreement shall address eligible costs,  
 26 contracting for services, and conditions under which  
 27 sites may be reevaluated.

28 1. ~~Costs~~ Up to fifteen thousand dollars for the  
 29 permanent closure of an underground storage tank  
 30 system ~~that was in place on the date an eligible claim~~  
 31 ~~was submitted under paragraph "a"~~ that does not meet  
 32 performance standards for new or upgraded tanks or  
 33 is otherwise required to be closed pursuant to rules  
 34 adopted by the environmental protection commission  
 35 pursuant to section 455B.474. Reimbursement is limited  
 36 to costs approved by the board prior to the closure  
 37 activities.

38 Sec. \_\_\_\_ Section 455G.9, subsection 4, Code 2009,  
 39 is amended to read as follows:

40 4. Minimum copayment schedule.

41 a. An owner or operator shall be required to pay  
 42 the greater of five thousand dollars or eighteen  
 43 percent of the first eighty thousand dollars of the  
 44 total costs of corrective action for that release,  
 45 except for claims pursuant to section 455G.21, where  
 46 the claimant is not a responsible party or potentially  
 47 responsible party for the site for which the claim is  
 48 filed.

49 b. If a site's actual expenses exceed eighty  
 50 thousand dollars, the remedial account shall pay the

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1 remainder, as required by federal regulations, of  
 2 the total costs of the corrective action for that  
 3 release, not to exceed one million dollars, except that  
 4 a county shall not be required to pay a copayment in  
 5 connection with a release situated on property acquired  
 6 in connection with delinquent taxes, as provided in  
 7 subsection 1, paragraph "d", unless subsequent to  
 8 acquisition the county actively operates a tank on the  
 9 property for purposes other than risk assessment, risk  
 10 management, or tank closure.

11 Sec. \_\_\_\_ Section 455G.9, subsection 7, Code 2009,  
 12 is amended to read as follows:

13 7. Expenses of cleanup not required. When an  
 14 owner or operator who is eligible for benefits under  
 15 this chapter is allowed by the department of natural  
 16 resources to monitor in place, the expenses incurred  
 17 for cleanup beyond the level required by the department  
 18 of natural resources ~~are not~~ may be covered under any  
 19 of the accounts established under the fund only if  
 20 approved by the board as cost-effective relative to  
 21 the department accepted monitoring plan or relative  
 22 to the repeal date specified in section 424.19. The  
 23 cleanup expenses incurred for work completed beyond

24 what is required is the responsibility of the person  
 25 contracting for the excess cleanup. The board shall  
 26 seek to terminate the responsible party's environmental  
 27 liabilities at such sites prior to the board ceasing  
 28 operation.

29 Sec. \_\_\_\_ Section 455G.9, subsection 10, Code 2009,  
 30 is amended to read as follows:

31 10. Expenses incurred by governmental subdivisions  
 32 and public works utilities. The board ~~may~~ shall adopt  
 33 rules for reimbursement for reasonable expenses  
 34 incurred by a governmental subdivision or public  
 35 works utility for sampling, treating, handling,  
 36 or disposing, as required by the department, of  
 37 petroleum-contaminated soil and groundwater encountered  
 38 in a public right-of-way during installation,  
 39 maintenance, or repair of a utility or public  
 40 improvement. The board may seek full recovery from  
 41 a responsible party liable for the release for such  
 42 expenses and for all other costs and reasonable  
 43 attorney fees and costs of litigation for which moneys  
 44 are expended by the fund. Any expense described in  
 45 this subsection incurred by the fund constitutes a lien  
 46 upon the property from which the release occurred.  
 47 A lien shall be recorded and an expense shall be  
 48 collected in the same manner as provided in section  
 49 424.11.

50 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT AND RETROACTIVE

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1 APPLICABILITY. The section of this division of this  
 2 Act amending section 455G.9, subsection 4, being deemed  
 3 of immediate importance, takes effect upon enactment  
 4 and applies retroactively to January 1, 2010.

#### 5 DIVISION \_\_\_\_

#### 6 BONDING AUTHORITY

7 Sec. \_\_\_\_ Section 455G.2, subsection 1, Code 2009,  
 8 is amended by striking the subsection.

9 Sec. \_\_\_\_ Section 455G.2, subsection 3, Code 2009,  
 10 is amended to read as follows:

11 3. "Bond" means a bond, note, or other obligation  
 12 issued by the ~~authority~~ treasurer of state for the fund  
 13 and the purposes of this chapter.

14 Sec. \_\_\_\_ Section 455G.3, subsection 2, Code 2009,  
 15 is amended to read as follows:

16 2. The board shall assist Iowa's owners and  
 17 operators of petroleum underground storage tanks in  
 18 complying with federal environmental protection agency  
 19 technical and financial responsibility regulations  
 20 by establishment of the Iowa comprehensive petroleum  
 21 underground storage tank fund. The ~~authority~~ treasurer  
 22 of state may issue its bonds, or series of bonds, to

23 assist the board, as provided in this chapter.  
 24 Sec. \_\_\_\_ Section 455G.6, subsections 7 through 9,  
 25 Code Supplement 2009, are amended to read as follows:  
 26 7. The board may contract with the  
 27 ~~authority treasurer of state~~ for the  
 28 ~~authority treasurer of state~~ to issue bonds and do  
 29 all things necessary with respect to the purposes  
 30 of the fund, as set out in the contract between the  
 31 board and the ~~authority treasurer of state~~. The  
 32 board may delegate to the ~~authority treasurer of~~  
 33 ~~state~~ and the ~~authority treasurer of state~~ shall  
 34 then have all of the powers of the board which are  
 35 necessary to issue and secure bonds and carry out the  
 36 purposes of the fund, to the extent provided in the  
 37 contract between the board and the ~~authority treasurer~~  
 38 ~~of state~~. The ~~authority treasurer of state~~ may  
 39 issue the ~~authority's treasurer of state's~~ bonds  
 40 in principal amounts which, in the opinion of the  
 41 board, are necessary to provide sufficient funds for  
 42 the fund, the payment of interest on the bonds, the  
 43 establishment of reserves to secure the bonds, the  
 44 costs of issuance of the bonds, other expenditures  
 45 of the ~~authority treasurer of state~~ incident to and  
 46 necessary or convenient to carry out the bond issue  
 47 for the fund, and all other expenditures of the board  
 48 necessary or convenient to administer the fund.  
 49 The bonds are investment securities and negotiable  
 50 instruments within the meaning of and for purposes of

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1 the uniform commercial code, chapter 554.  
 2 8. Bonds issued under this section are payable  
 3 solely and only out of the moneys, assets, or revenues  
 4 of the fund, all of which may be deposited with  
 5 trustees or depositories in accordance with bond  
 6 or security documents and pledged by the board to  
 7 the payment thereof, and are not an indebtedness  
 8 of this state ~~or the authority~~, or a charge against  
 9 the general credit or general fund of the state ~~or~~  
 10 ~~the authority~~, and the state shall not be liable for  
 11 any financial undertakings with respect to the fund.  
 12 Bonds issued under this chapter shall contain on their  
 13 face a statement that the bonds do not constitute an  
 14 indebtedness of the state ~~or the authority~~.  
 15 9. The proceeds of bonds issued by the  
 16 ~~authority treasurer of state~~ and not required for  
 17 immediate disbursement may be deposited with a trustee  
 18 or depository as provided in the bond documents  
 19 and invested in any investment approved by the  
 20 ~~authority treasurer of state~~ and specified in the trust  
 21 indenture, resolution, or other instrument pursuant



22 to which the bonds are issued without regard to any  
23 limitation otherwise provided by law.

24 Sec. \_\_\_\_ Section 455G.6, subsection 10, paragraph  
25 b, Code Supplement 2009, is amended to read as follows:

26 b. Negotiable instruments under the laws of  
27 the state and may be sold at prices, at public or  
28 private sale, and in a manner, as prescribed by the  
29 ~~authority treasurer of state~~. Chapters 73A, 74, 74A  
30 and 75 do not apply to their sale or issuance of the  
31 bonds.

32 Sec. \_\_\_\_ Section 455G.6, subsection 12, Code  
33 Supplement 2009, is amended to read as follows:

34 12. Bonds must be authorized by a trust  
35 indenture, resolution, or other instrument of the  
36 ~~authority treasurer of state~~, approved by the board.  
37 However, a trust indenture, resolution, or other  
38 instrument authorizing the issuance of bonds may  
39 delegate to an officer of the issuer the power to  
40 negotiate and fix the details of an issue of bonds.

41 Sec. \_\_\_\_ Section 455G.7, Code Supplement 2009, is  
42 amended to read as follows:

43 455G.7 Security for bonds — capital reserve fund —  
44 irrevocable contracts.

45 1. a. For the purpose of securing one or more  
46 issues of bonds for the fund, the ~~authority treasurer~~  
47 ~~of state~~, with the approval of the board, may authorize  
48 the establishment of one or more special funds, called  
49 “capital reserve funds”. The ~~authority treasurer~~  
50 ~~of state~~ may pay into the capital reserve funds the

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1 proceeds of the sale of its bonds and other money  
2 which may be made available to the ~~authority treasurer~~  
3 ~~of state~~ from other sources for the purposes of the  
4 capital reserve funds. Except as provided in this  
5 section, money in a capital reserve fund shall be used  
6 only as required for any of the following:

7 ~~a.~~ (1) The payment of the principal of and  
8 interest on bonds or of the sinking fund payments with  
9 respect to those bonds.

10 ~~b.~~ (2) The purchase or redemption of the bonds.

11 ~~c.~~ (3) The payment of a redemption premium  
12 required to be paid when the bonds are redeemed before  
13 maturity.

14 b. However, money in a capital reserve fund shall  
15 not be withdrawn if the withdrawal would reduce the  
16 amount in the capital reserve fund to less than the  
17 capital reserve fund requirement, except for the  
18 purpose of making payment, when due, of principal,  
19 interest, redemption premiums on the bonds, and making  
20 sinking fund payments when other money pledged to the

21 payment of the bonds is not available for the payments.  
22 Income or interest earned by, or increment to, a  
23 capital reserve fund from the investment of all or part  
24 of the capital reserve fund may be transferred by the  
25 authority treasurer of state to other accounts of the  
26 fund if the transfer does not reduce the amount of the  
27 capital reserve fund below the capital reserve fund  
28 requirement.

29 2. If the authority treasurer of state decides  
30 to issue bonds secured by a capital reserve fund,  
31 the bonds shall not be issued if the amount in the  
32 capital reserve fund is less than the capital reserve  
33 fund requirement, unless at the time of issuance of  
34 the bonds the authority treasurer of state deposits  
35 in the capital reserve fund from the proceeds of the  
36 bonds to be issued or from other sources, an amount  
37 which, together with the amount then in the capital  
38 reserve fund, is not less than the capital reserve fund  
39 requirement.

40 3. In computing the amount of a capital reserve  
41 fund for the purpose of this section, securities in  
42 which all or a portion of the capital reserve fund  
43 is invested shall be valued by a reasonable method  
44 established by the authority treasurer of state.  
45 Valuation shall include the amount of interest earned  
46 or accrued as of the date of valuation.

47 4. In this section, "capital reserve fund  
48 requirement" means the amount required to be on  
49 deposit in the capital reserve fund as of the date of  
50 computation.

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1 5. To assure maintenance of the capital reserve  
2 funds, the authority treasurer of state shall, on  
3 or before July 1 of each calendar year, make and  
4 deliver to the governor the authority's treasurer of  
5 state's certificate stating the sum, if any, required  
6 to restore each capital reserve fund to the capital  
7 reserve fund requirement for that fund. Within  
8 thirty days after the beginning of the session of the  
9 general assembly next following the delivery of the  
10 certificate, the governor may submit to both houses  
11 printed copies of a budget including the sum, if any,  
12 required to restore each capital reserve fund to the  
13 capital reserve fund requirement for that fund. Any  
14 sums appropriated by the general assembly and paid  
15 to the authority treasurer of state pursuant to this  
16 section shall be deposited in the applicable capital  
17 reserve fund.

18 6. All amounts paid by the state pursuant to this  
19 section shall be considered advances by the state and,

20 subject to the rights of the holders of any bonds of  
 21 the ~~authority treasurer of state~~ that have previously  
 22 been issued or will be issued, shall be repaid to the  
 23 state without interest from all available revenues of  
 24 the fund in excess of amounts required for the payment  
 25 of bonds of the ~~authority treasurer of state~~, the  
 26 capital reserve fund, and operating expenses.

27 7. If any amount deposited in a capital reserve  
 28 fund is withdrawn for payment of principal, premium,  
 29 or interest on the bonds or sinking fund payments with  
 30 respect to bonds thus reducing the amount of that fund  
 31 to less than the capital reserve fund requirement, the  
 32 ~~authority treasurer of state~~ shall immediately notify  
 33 the governor and the general assembly of this event and  
 34 shall take steps to restore the capital reserve fund  
 35 to the capital reserve fund requirement for that fund  
 36 from any amounts designated as being available for such  
 37 purpose.

38 Sec. \_\_\_\_ Section 455G.8, subsection 2, Code 2009,  
 39 is amended to read as follows:

40 2. Statutory allocations fund. The moneys  
 41 credited from the statutory allocations fund under  
 42 section 321.145, subsection 2, paragraph "a", shall  
 43 be allocated, consistent with this chapter, among  
 44 the fund's accounts, for debt service and other fund  
 45 expenses, according to the fund budget, resolution,  
 46 trust agreement, or other instrument prepared or  
 47 entered into by the board or ~~authority treasurer of~~  
 48 ~~state~~ under direction of the board.

49 Sec. \_\_\_\_ REPEAL. Section 16.151, Code 2009, is  
 50 repealed.

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1 Sec. \_\_\_\_ REPEAL. 1989 Iowa Acts, chapter 131,  
 2 section 63, as amended by 2009 Iowa Acts, chapter 184,  
 3 section 39, is repealed.

4 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT. This division  
 5 of this Act, being deemed of immediate importance,  
 6 takes effect upon enactment.>

7 34. Page 46, after line 5 by inserting:

8 <DIVISION \_\_\_\_  
 9 UNEMPLOYMENT INSURANCE BENEFITS

10 Sec. \_\_\_\_ CASH RESERVE APPROPRIATION —  
 11 UNEMPLOYMENT TRUST FUND ACCOUNT.

12 1. On or before August 15, 2010, following the  
 13 computation date required pursuant to section 96.7,  
 14 subsection 2, paragraph "d", subparagraph (1),  
 15 unnumbered paragraph 1, as amended by this Act, and  
 16 upon the approval of the director of the department of  
 17 management, there is appropriated from the cash reserve  
 18 fund created in section 8.56 to the unemployment

19 trust fund account of the unemployment compensation  
 20 fund for the fiscal year beginning July 1, 2010, and  
 21 ending June 30, 2011, up to \$20 million. This loan is  
 22 contingent upon being necessary to reach contribution  
 23 rate table 3 rather than contribution rate table 2 for  
 24 calendar year 2011. Any moneys appropriated pursuant  
 25 to this subsection shall be considered a loan for the  
 26 payment of unemployment insurance benefits and the  
 27 repayment of such moneys to the cash reserve fund  
 28 shall occur pursuant to subsection 2. If the amount  
 29 necessary to prevent table 2 from being applied is more  
 30 than \$20 million, this section is repealed. Section  
 31 8.56, subsections 3 and 4, shall not apply to the  
 32 appropriation in this section.

33 2. Following the fiscal year beginning July 1,  
 34 2010, and ending June 30, 2011, the department of  
 35 workforce development, in coordination with the  
 36 department of management, shall develop a plan for the  
 37 transfer of an amount equal to the amount appropriated  
 38 pursuant to subsection 1 from the unemployment trust  
 39 fund account of the unemployment compensation fund to  
 40 the cash reserve fund without adversely impacting the  
 41 solvency of the unemployment trust fund account.

42 3. By December 1, 2011, the director of the  
 43 department of workforce development shall submit to  
 44 the general assembly, with the report required under  
 45 section 96.35, the director's recommendations regarding  
 46 the transfer of moneys as required under subsection 2.

47 Sec. \_\_\_\_ Section 96.7, subsection 2, paragraph  
 48 d, subparagraph (1), unnumbered paragraph 1, Code  
 49 Supplement 2009, is amended to read as follows:

50 The current reserve fund ratio is computed by

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1 dividing the total funds available for payment of  
 2 benefits, on the computation date or on August 15  
 3 following the computation date if the total funds  
 4 available for payment of benefits is a higher amount  
 5 on August 15, by the total wages paid in covered  
 6 employment excluding reimbursable employment wages  
 7 during the first four calendar quarters of the five  
 8 calendar quarters immediately preceding the computation  
 9 date. However, in computing the current reserve fund  
 10 ratio the following amounts shall be added to the  
 11 total funds available for payment of benefits on the  
 12 following computation dates:>

13 35. Page 46, after line 5 by inserting:

14 <DIVISION \_\_\_\_  
 15 TERRACE HILL

16 Sec. \_\_\_\_ TERRACE HILL OPERATIONS — CASH RESERVE  
 17 FUND — DEPARTMENT OF ADMINISTRATIVE SERVICES. There

18 is appropriated from the cash reserve fund created  
19 in section 8.56 to the department of administrative  
20 services for the fiscal year beginning July 1, 2010,  
21 and ending June 30, 2011, the following amount, or  
22 so much thereof as is necessary, to be used for the  
23 purposes designated:

24 For salaries, support, maintenance, and  
25 miscellaneous purposes necessary for the operation of  
26 Terrace Hill:  
27 ..... \$ 168,494

28 Sec. \_\_\_\_ TERRACE HILL — GENERAL FUND —  
29 DEPARTMENT OF ADMINISTRATIVE SERVICES. There is  
30 appropriated from the general fund of the state to  
31 the department of administrative services for the  
32 fiscal year beginning July 1, 2009, and ending June 30,  
33 2010, the following amount, or so much thereof as is  
34 necessary, to be used for the purposes designated:

35 For salaries, support, maintenance, and  
36 miscellaneous purposes necessary for the operation  
37 of Terrace Hill, and for not more than the following  
38 full-time equivalent positions:  
39 ..... \$ 263,329  
40 ..... FTEs 6.38

41 Sec. \_\_\_\_ TERRACE HILL QUARTERS. The amount  
42 appropriated from the general fund of the state to the  
43 offices of the governor and the lieutenant governor  
44 for Terrace Hill quarters pursuant to 2010 Iowa Acts,  
45 Senate File 2367, for the fiscal year beginning July 1,  
46 2010, and ending June 30, 2011, is reduced by \$263,329.  
47 The number of full-time equivalent positions authorized  
48 pursuant to 2010 Iowa Acts, Senate File 2367, for  
49 purposes of Terrace Hill quarters for the fiscal year  
50 beginning July 1, 2010, and ending June 30, 2011, is

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- 1 reduced by 8.12 full-time equivalent positions.>
- 2 36. By renumbering, redesignating, and correcting
- 3 internal references as necessary.

ROBERT E. DVORSKY

**S-5361**

1 Amend House File 2531, as amended, passed, and  
2 reprinted by the House, as follows:

- 3 1. Page 35, line 26, before <As> by inserting <1>
- 4 2. Page 36, after line 15 by inserting:
- 5 <2. Parties who by agreement are utilizing a
- 6 cooperative alternative bargaining process shall, at
- 7 the outset of such process, agree upon a method and
- 8 schedule for the completion of impasse procedures

9 should they fail to reach a collective bargaining  
 10 agreement through the use of such alternative  
 11 bargaining process.>

12 3. By renumbering as necessary.

PAM JOCHUM

### S-5362

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 42, after line 20 by inserting:  
 4 <Sec. \_\_. 2010 Iowa Acts, House File 2526, section  
 5 11, subsection 24, paragraph b, relating to the medical  
 6 assistance waiver for the Iowa family planning network,  
 7 if enacted, is amended to read as follows:

8 b. Implementation of this subsection is contingent  
 9 upon approval of the medical assistance waiver for  
 10 the Iowa family planning network by the centers for  
 11 Medicare and Medicaid services of the United States  
 12 department of health and human services ~~and upon~~  
 13 ~~availability of funding as determined by the director~~  
 14 ~~of the department of human services.>~~

ROBERT E. DVORSKY  
 JACK HATCH

### S-5363

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:

3 1. Page 42, after line 25 by inserting:

4 <DIVISION \_\_  
 5 INTERSTATE HEALTH INSURANCE COMPACT  
 6 Sec. \_\_. INTERSTATE HEALTH INSURANCE COMPACT —  
 7 RECOMMENDATIONS FOR LEGISLATION.

8 1. The commissioner of insurance, in collaboration  
 9 with the attorney general and the Iowa legislative  
 10 health care coverage commission shall develop  
 11 recommendations for legislation to allow the state  
 12 of Iowa to join with other states to establish an  
 13 interstate health insurance compact governing the sale  
 14 of private health benefit plans in the state that are  
 15 approved as to form and rate by member admitted states  
 16 that are members of the compact.

17 2. The recommendations for legislation shall allow  
 18 the state to accomplish, through the means of joint and  
 19 cooperative action among the compacting states, the  
 20 purposes of the compact including but not limited to  
 21 the following:

22 a. Promote and protect the interest of consumers of  
 23 health benefit plans in the small group market.

24 b. Develop uniform standards for insurance products  
25 covered under the compact.

26 c. Establish an agreed method of confirming that  
27 health benefit plans issued in the state of Iowa  
28 qualify under the requirements of Title XIII of the  
29 Code of Iowa or the requirements of one or more of the  
30 compacting states.

31 d. Improve coordination of regulatory resources  
32 and expertise between state insurance departments  
33 regarding the setting of uniform standards and review  
34 of insurance products covered under the compact.

35 e. Perform these and other related functions,  
36 consistent with the state regulation of the business of  
37 insurance and health benefit plans or policies.

38 3. The recommendations for legislation shall be  
39 contained in a report by the commissioner of insurance  
40 to the general assembly that is submitted by December  
41 15, 2010.

42 Sec. \_\_\_. EFFECTIVE UPON ENACTMENT. This division  
43 of this Act, being deemed of immediate importance,  
44 takes effect upon enactment.>

JACK HATCH

**S-5364**

1 Amend House File 2531, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 40, after line 29 by inserting:

4 <Sec. \_\_\_. Section 437A.3, Code Supplement 2009, is  
5 amended by adding the following new subsections:

6 NEW SUBSECTION. 1A. "Biofuel" means any solid,  
7 liquid, or gaseous fuel consisting of or derived from  
8 renewable biological sources, including but not limited  
9 to plants or animal waste.

10 NEW SUBSECTION. 1B. "Biofuel facility" means  
11 a facility owned or operated by a person or entity  
12 and used for the manufacture and distribution of any  
13 biofuel.

14 Sec. \_\_\_. Section 437A.8, subsection 6, Code 2009,  
15 is amended to read as follows:

16 6. Notwithstanding subsections 1 through 5, a  
17 taxpayer engaged in the production of a biofuel or any  
18 person owning a biofuel facility shall not be required  
19 to file a return otherwise required by this section  
20 or remit any replacement tax ~~for any tax year in~~  
21 ~~which the taxpayer's replacement tax liability before~~  
22 ~~credits is three hundred dollars or less, provided~~  
23 ~~that all electric companies, electric cooperatives,~~  
24 ~~municipal utilities, and natural gas companies shall~~  
25 ~~file a return, regardless of the taxpayer's replacement~~  
26 ~~tax liability on, deliveries of natural gas to a~~

27 biofuel facility prior to January 1, 2010. However,  
 28 replacement tax remitted by a taxpayer prior to  
 29 January 1, 2010, for natural gas delivered to a biofuel  
 30 facility prior to January 1, 2010, shall not be subject  
 31 to refund.>  
 32 2. By renumbering as necessary.

MICHAEL E. GRONSTAL  
 JOHN P. KIBBIE

### S-5365

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 46, after line 5 by inserting:  
 4 <DIVISION \_\_\_\_  
 5 IRC COUPLING  
 6 Sec. \_\_\_\_ Section 15.335, subsection 1, paragraphs  
 7 b and c, Code Supplement 2009, are amended to read as  
 8 follows:  
 9 b. In lieu of the credit amount computed in  
 10 paragraph “a”, subparagraph (1), an eligible  
 11 business may elect to compute the credit amount  
 12 for qualified research expenses incurred in this  
 13 state in a manner consistent with the alternative  
 14 ~~incremental~~ simplified credit described in section  
 15 ~~41(e)(4)~~ 41(c)(5) of the Internal Revenue Code. The  
 16 taxpayer may make this election regardless of the  
 17 method used for the taxpayer’s federal income tax. The  
 18 election made under this paragraph is for the tax year  
 19 and the taxpayer may use another or the same method for  
 20 any subsequent year.  
 21 c. For purposes of the alternate credit  
 22 computation method in paragraph “b”, the credit  
 23 percentages applicable to qualified research  
 24 expenses described in ~~clauses (i), (ii), and (iii)~~  
 25 ~~of section 41(e)(4)(A)~~ 41(c)(5)(A) and clause (ii)  
 26 of section 41(c)(5)(B) of the Internal Revenue Code  
 27 ~~are one and sixty five hundredths percent, two and~~  
 28 ~~twenty hundredths percent, and two and seventy five~~  
 29 ~~hundredths four and fifty-five hundredths percent and~~  
 30 one and ninety-five hundredths percent, respectively.  
 31 Sec. \_\_\_\_ Section 15.335, subsection 4, Code  
 32 Supplement 2009, is amended to read as follows:  
 33 4. a. For purposes of this section, “base amount”,  
 34 “basic research payment”, and “qualified research  
 35 expense” mean the same as defined for the federal  
 36 credit for increasing research activities under section  
 37 41 of the Internal Revenue Code, except that for the  
 38 alternative ~~incremental~~ simplified credit such amounts  
 39 are for research conducted within this state.  
 40 b. For purposes of this section, “Internal Revenue



41 Code” means the Internal Revenue Code in effect on  
42 January 1, ~~2009~~ 2010.  
43 Sec. \_\_\_\_ Section 15A.9, subsection 8, paragraphs  
44 b, c, and e, Code Supplement 2009, are amended to read  
45 as follows:  
46 b. In lieu of the credit amount computed in  
47 paragraph “a”, subparagraph (1), subparagraph division  
48 (a), a business may elect to compute the credit amount  
49 for qualified research expenses incurred in this  
50 state within the zone in a manner consistent with the

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1 alternative ~~incremental~~ simplified credit described in  
2 section ~~41(e)(4)~~ 41(c)(5) of the Internal Revenue Code.  
3 The taxpayer may make this election regardless of the  
4 method used for the taxpayer’s federal income tax. The  
5 election made under this paragraph is for the tax year  
6 and the taxpayer may use another or the same method for  
7 any subsequent year.  
8 c. For purposes of the alternate credit  
9 computation method in paragraph “b”, the credit  
10 percentages applicable to qualified research expenses  
11 described in ~~clauses (i), (ii), and (iii) of section~~  
12 ~~41(e)(4)(A)~~ 41(c)(5)(A) and clause (ii) of section  
13 41(c)(5)(B) of the Internal Revenue Code are ~~three and~~  
14 ~~thirty hundredths percent, four and forty hundredths~~  
15 ~~percent, and five and fifty hundredths~~ four and  
16 fifty-five hundredths percent and one and ninety-five  
17 hundredths percent, respectively.  
18 e. (1) For the purposes of this subsection,  
19 “base amount”, “basic research payment”, and “qualified  
20 research expense” mean the same as defined for the  
21 federal credit for increasing research activities under  
22 section 41 of the Internal Revenue Code, except that  
23 for the alternative ~~incremental~~ simplified credit such  
24 amounts are for research conducted within this state  
25 within the zone.  
26 (2) For purposes of this subsection, “Internal  
27 Revenue Code” means the Internal Revenue Code in effect  
28 on January 1, ~~2009~~ 2010.  
29 Sec. \_\_\_\_ Section 422.3, subsection 5, Code 2009,  
30 is amended to read as follows:  
31 5. “Internal Revenue Code” means the Internal  
32 Revenue Code of 1954, prior to the date of its  
33 redesignation as the Internal Revenue Code of 1986  
34 by the Tax Reform Act of 1986, or means the Internal  
35 Revenue Code of 1986 as amended to and including  
36 January 1, ~~2008~~ 2010.  
37 Sec. \_\_\_\_ Section 422.7, subsection 53, Code  
38 Supplement 2009, is amended by striking the subsection.  
39 Sec. \_\_\_\_ Section 422.9, subsection 2, paragraph i,

40 Code Supplement 2009, is amended to read as follows:

41 i. The deduction for state sales and use taxes  
 42 is allowable only if the taxpayer elected to deduct  
 43 the state sales and use taxes in lieu of state income  
 44 taxes under section 164 of the Internal Revenue Code.  
 45 A deduction for state sales and use taxes is not  
 46 allowed if the taxpayer has taken the deduction for  
 47 state income taxes or claimed the standard deduction  
 48 under section 63 of the Internal Revenue Code. This  
 49 paragraph applies to taxable years beginning after  
 50 December 31, 2003, and before January 1, ~~2006~~ 2008, and

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1 to taxable years beginning after December 31, 2008, and  
 2 before January 1, 2010.

3 Sec. \_\_\_. Section 422.10, subsection 1, paragraphs  
 4 b and c, Code Supplement 2009, are amended to read as  
 5 follows:

6 b. In lieu of the credit amount computed in  
 7 paragraph "a", subparagraph (1), subparagraph division  
 8 (a), a taxpayer may elect to compute the credit amount  
 9 for qualified research expenses incurred in this  
 10 state in a manner consistent with the alternative  
 11 ~~incremental~~ simplified credit described in section  
 12 ~~41(e)(4)~~ 41(c)(5) of the Internal Revenue Code. The  
 13 taxpayer may make this election regardless of the  
 14 method used for the taxpayer's federal income tax. The  
 15 election made under this paragraph is for the tax year  
 16 and the taxpayer may use another or the same method for  
 17 any subsequent year.

18 c. For purposes of the alternate credit  
 19 computation method in paragraph "b", the credit  
 20 percentages applicable to qualified research expenses  
 21 described in ~~clauses (i), (ii), and (iii) of section~~  
 22 ~~41(e)(4)(A)~~ section 41(c)(5)(A) and clause (ii) of  
 23 section 41(c)(5)(B) of the Internal Revenue Code  
 24 ~~are one and sixty five hundredths percent, two and~~  
 25 ~~twenty hundredths percent, and two and seventy five~~  
 26 ~~hundredths~~ four and fifty-five hundredths percent and  
 27 one and ninety-five hundredths percent, respectively.

28 Sec. \_\_\_. Section 422.10, subsection 3, Code  
 29 Supplement 2009, is amended to read as follows:

30 3. a. For purposes of this section, "base amount",  
 31 "basic research payment", and "qualified research  
 32 expense" mean the same as defined for the federal  
 33 credit for increasing research activities under section  
 34 41 of the Internal Revenue Code, except that for the  
 35 alternative ~~incremental~~ simplified credit such amounts  
 36 are for research conducted within this state.

37 b. For purposes of this section, "Internal Revenue  
 38 Code" means the Internal Revenue Code in effect on

39 January 1, ~~2009~~ 2010.

40 Sec. \_\_\_\_ Section 422.32, subsection 7, Code

41 Supplement 2009, is amended to read as follows:

42 7. "Internal Revenue Code" means the Internal  
43 Revenue Code of 1954, prior to the date of its  
44 redesignation as the Internal Revenue Code of 1986  
45 by the Tax Reform Act of 1986, or means the Internal  
46 Revenue Code of 1986 as amended to and including  
47 January 1, ~~2008~~ 2010.

48 Sec. \_\_\_\_ Section 422.33, subsection 5, paragraphs

49 b, c, and d, Code Supplement 2009, are amended to read  
50 as follows:

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1 b. In lieu of the credit amount computed in  
2 paragraph "a", subparagraph (1), a corporation  
3 may elect to compute the credit amount for  
4 qualified research expenses incurred in this  
5 state in a manner consistent with the alternative  
6 ~~incremental~~ simplified credit described in section  
7 ~~41(e)(4)~~ 41(c)(5) of the Internal Revenue Code. The  
8 taxpayer may make this election regardless of the  
9 method used for the taxpayer's federal income tax. The  
10 election made under this paragraph is for the tax year  
11 and the taxpayer may use another or the same method for  
12 any subsequent year.

13 c. For purposes of the alternate credit  
14 computation method in paragraph "b", the credit  
15 percentages applicable to qualified research expenses  
16 described in ~~clauses (i), (ii), and (iii) of section~~  
17 ~~41(e)(4)(A)~~ section 41(c)(5)(A) and clause (ii) of  
18 section 41(c)(5)(B) of the Internal Revenue Code  
19 are ~~one and sixty five hundredths percent, two and~~  
20 ~~twenty hundredths percent, and two and seventy five~~  
21 ~~hundredths~~ four and fifty-five hundredths percent and  
22 one and ninety-five hundredths percent, respectively.

23 d. (1) For purposes of this subsection, "base  
24 amount", "basic research payment", and "qualified  
25 research expense" mean the same as defined for the  
26 federal credit for increasing research activities under  
27 section 41 of the Internal Revenue Code, except that  
28 for the alternative ~~incremental~~ simplified credit such  
29 amounts are for research conducted within this state.  
30 (2) For purposes of this subsection, "Internal  
31 Revenue Code" means the Internal Revenue Code in effect  
32 on January 1, ~~2009~~ 2010.

33 Sec. \_\_\_\_ Section 422.35, subsection 24, Code

34 Supplement 2009, is amended by striking the subsection.

35 Sec. \_\_\_\_ EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
36 APPLICABILITY.

37 1. This Act, being deemed of immediate importance,

38 takes effect upon enactment.  
 39 2. The sections of this Act amending sections  
 40 15.335, 15A.9, 422.3, 422.9, subsection 2, paragraph  
 41 “i”, 422.10, 422.32, and 422.33 apply retroactively to  
 42 January 1, 2009, for tax years beginning on or after  
 43 that date.  
 44 3. The sections of this Act amending sections  
 45 422.7, subsection 53, and 422.35, subsection 24, apply  
 46 retroactively to January 1, 2008, for tax years ending  
 47 on or after that date.>  
 48 2. By renumbering as necessary.

RANDY FEENSTRA

**S-5366**

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 46, after line 5 by inserting:  
 4 <DIVISION \_\_\_\_  
 5 SALES TAXES  
 6 Sec. \_\_\_\_ Section 423.3, Code Supplement 2009, is  
 7 amended by adding the following new subsection:  
 8 NEW SUBSECTION. 96. The sales price from the sale  
 9 of a membership at a health, wellness, or fitness  
 10 facility.>  
 11 2. By renumbering as necessary.

BRAD ZAUN  
 PAT WARD

**S-5367**

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 46, after line 5 by inserting:  
 4 <DIVISION \_\_\_\_  
 5 CONFORMANCE WITH FEDERAL TAX LAW  
 6 Sec. \_\_\_\_ NEW SECTION. 421.31 Intent to conform  
 7 to federal tax law — annual resolution — notice by the  
 8 department.  
 9 1. The general assembly recognizes that consistency  
 10 and predictability in state tax laws facilitates  
 11 compliance by taxpayers and assists administration by  
 12 the department of revenue. Therefore, it is the intent  
 13 of the general assembly that the state should conform  
 14 each year to the most recent provisions of the Internal  
 15 Revenue Code.  
 16 2. The general assembly shall annually reach a  
 17 decision as to whether to conform to the most recent  
 18 provisions of the Internal Revenue Code and shall by  
 19 February 15 of each year adopt a resolution stating

20 such decision.

21 3. Upon adoption of a resolution by the general  
22 assembly pursuant to subsection 2, the department shall  
23 notify taxpayers of whether the state will conform to  
24 the Internal Revenue Code by causing notice of the  
25 resolution to be published as widely as possible.

26 4. If the governor vetoes legislation passed by the  
27 general assembly conforming Iowa law to the Internal  
28 Revenue Code, the department shall cause notice of such  
29 an action to be published as soon as possible.>

30 2. By renumbering as necessary.

RANDY FEENSTRA

### S-5368

1 Amend the amendment, S-5347, to House File 2531,  
2 as amended, passed, and reprinted by the House, as  
3 follows:

4 1. Page 1, by striking lines 6 through 26 and  
5 inserting:

6 <Sec. \_\_\_\_. WAIVER OF PENALTIES AND INTEREST —  
7 REFUNDS.

8 1. Notwithstanding sections 421.8, 421.27, and  
9 422.25, if a taxpayer has filed a return for tax  
10 year 2008 relying in good faith on the expectation  
11 that the state of Iowa would conform to the federal  
12 Internal Revenue Code in computing net income for state  
13 tax purposes, the director of revenue shall, for any  
14 taxpayer amending the return in the time permitted by  
15 statute, waive any penalty or interest due as a result  
16 of either a failure to timely pay the tax due or the  
17 filing of a defective or incorrect return.

18 2. If, prior to the effective date of this Act,  
19 a taxpayer paid penalties or interest as a result of  
20 a good faith reliance on the state conforming to the  
21 Internal Revenue Code, the department of revenue shall  
22 refund such penalties and interest to the taxpayer.>

23 2. By renumbering as necessary.

RANDY FEENSTRA

### S-5369

1 Amend House File 2531, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 30, after line 21 by inserting:

4 <Sec. \_\_\_\_. TAIWAN TRADE OFFICE — IOWA  
5 COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE  
6 TANK FUND. There is appropriated from the Iowa  
7 comprehensive petroleum underground storage tank fund  
8 to the department of economic development for the

9 fiscal year beginning July 1, 2010, and ending June 30,  
10 2011, the following amount, or so much thereof as is  
11 necessary, to be used for the purposes designated:

12 Notwithstanding section 455G.3, subsection 1, for  
13 establishing a trade office in Taipei, Taiwan:

14 ..... \$ 100,000

15 If the department cannot arrange for matching moneys  
16 from another source in an amount at least equal to  
17 the appropriation made in this section, the moneys  
18 appropriated in this section shall revert to the Iowa  
19 comprehensive petroleum underground storage tank fund.>

20 2. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S-5370

1 Amend Senate File 2379 as follows:

2 1. Page 1, by striking lines 1 through 14.

3 2. Page 2, by striking lines 4 through 7 and  
4 inserting <forwarding to the federal bureau of  
5 investigation information that a person has been  
6 disqualified from possessing, shipping, transporting,  
7 or receiving a firearm pursuant to section 724.31.>

8 3. Page 2, after line 7 by inserting:  
9 <Sec. \_\_. Section 602.8102, Code 2009, is amended  
10 by adding the following new subsection:

11 NEW SUBSECTION. 125A. Forward information that a  
12 person has been disqualified from possessing, shipping,  
13 transporting, or receiving a firearm pursuant to  
14 section 724.31 to the department of public safety.>

15 4. Page 2, by striking lines 10 through 30 and  
16 inserting:

17 <A permit issued under this chapter is invalid if  
18 the person to whom the permit is issued is intoxicated  
19 as provided in section 321J.2, subsection 1.>

20 5. Page 3, line 8, after <permit.> by inserting  
21 <Such permits shall not be issued for a particular  
22 weapon and shall not contain information about a  
23 particular weapon including the make, model, or serial  
24 number of the weapon or any ammunition used in that  
25 weapon.>

26 6. Page 3, by striking lines 24 and 25 and  
27 inserting:

28 <~~3. 2. The person is not Is~~ addicted to the use of  
29 alcohol ~~or any controlled substance.~~>

30 7. Page 3, by striking line 26 and inserting:

31 <4. ~~3. The person has no history of repeated~~  
32 acts of violence. Probable cause exists to believe,  
33 based upon documented specific actions of the person,  
34 where at least one of the actions occurred within two  
35 years immediately preceding the date of the permit

36 application, that the person is likely to use a weapon  
 37 unlawfully or in such other manner as would endanger  
 38 the person's self or others. >

39 8. Page 3, line 29, by striking <2.> and inserting  
 40 <4.>

41 9. Page 3, line 30, by striking <3.> and inserting  
 42 <5.>

43 10. Page 3, line 33, after <708.7> by inserting  
 44 <not involving the use of a firearm or explosive>

45 11. By striking page 3, line 34, through page 4,  
 46 line 31, and inserting:

47 <6. Is prohibited by federal law from shipping,  
 48 transporting, possessing, or receiving a firearm.>

49 12. Page 5, by striking lines 2 and 3 and  
 50 inserting:

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1 <a. Completion of any national rifle association  
 2 handgun safety training course.>

3 13. Page 5, by striking line 4 and inserting:

4 <b. Completion of any handgun safety training>

5 14. Page 5, line 8, by striking <school> and  
 6 inserting <school,>

7 15. Page 5, by striking lines 12 and 13 and  
 8 inserting:

9 <c. Completion of any handgun safety training  
 10 course offered for security guards,>

11 16. Page 5, line 15, after <agency> by inserting  
 12 <approved by the department of public safety>

13 17. Page 5, by striking lines 16 and 17.

14 18. Page 5, line 18, by striking <e.> and inserting  
 15 <d.>

16 19. Page 5, by striking lines 29 through 32.

17 20. Page 5, line 33, by striking <g.> and inserting  
 18 <e.>

19 21. Page 6, by striking lines 12 and 13.

20 22. Page 6, line 26, by striking <age> and  
 21 inserting <age date of birth>

22 23. Page 7, by striking lines 11 through 15 and  
 23 inserting:

24 <3. A person who knowingly makes what the person  
 25 knows to be a false statement of material fact on  
 26 the an application submitted under this section or who  
 27 submits what the person knows to be any materially  
 28 falsified or forged documentation in connection with  
 29 such an application commits a class "D" felony.>

30 24. Page 7, by striking line 21 and inserting  
 31 <Applications ~~from~~ for professional permits to carry  
 32 weapons for persons who are nonresidents of the state,>

33 25. Page 7, by striking lines 27 through 29  
 34 and inserting <sections 724.6 to 724.10 have been

35 satisfied. However, for renewal of a permit the  
 36 training program requirements in section 724.9 may be  
 37 waived for renewal permits, subsection 1, shall apply  
 38 or the renewal applicant may choose to qualify on a  
 39 firing range under the supervision of an instructor  
 40 certified by the national rifle association or  
 41 the department of public safety or another state's  
 42 department of public safety, state police department,  
 43 or similar certifying body. Such training or  
 44 qualification must occur within the twelve-month period  
 45 prior to the expiration of the applicant's current  
 46 permit.>

47 26. Page 7, before line 30 by inserting:  
 48 <1A. Neither the sheriff nor the commissioner shall  
 49 require an applicant for a permit to carry weapons to  
 50 provide information identifying a particular weapon in

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1 the application including the make, model, or serial  
 2 number of the weapon or any ammunition used in that  
 3 particular weapon.>

4 27. Page 7, line 30, by striking <ten> and  
 5 inserting <ten fifty>

6 28. Page 7, line 33, by striking <five> and  
 7 inserting <five twenty-five>

8 29. Page 8, by striking line 4 and inserting <equal  
 9 to ~~two ten~~ dollars for each permit issued and ~~one~~  
 10 ~~dollar~~ five dollars>

11 30. Page 8, line 10, after <shall> by inserting  
 12 <not>

13 31. Page 8, by striking lines 12 through 26 and  
 14 inserting:

15 <3. The sheriff or commissioner of public safety  
 16 shall approve or deny an initial or renewal application  
 17 submitted under this section within thirty days of  
 18 receipt of the application. A person whose application  
 19 for a permit under this chapter is denied may seek  
 20 review of the denial under section 724.21A. The failure  
 21 to approve or deny an initial or renewal application  
 22 shall result in a decision of approval.>

23 32. By striking page 8, line 27, through page 9,  
 24 line 5, and inserting:

25 <Sec. \_\_. **NEW SECTION.** 724.11A Recognition.  
 26 A valid permit or license issued by another state to  
 27 any nonresident of this state shall be considered to  
 28 be a valid permit or license to carry weapons issued  
 29 pursuant to this chapter, except that such permit or  
 30 license shall not be considered to be a substitute for  
 31 an annual permit to acquire pistols or revolvers issued  
 32 pursuant to section 724.15.>

33 33. Page 9, line 8, after <weapons> by inserting <—



34 criminal history background check>  
 35 34. Page 9, after line 31 by inserting:  
 36 <The issuing officer may annually conduct a  
 37 background check concerning a person issued a permit by  
 38 obtaining criminal history data from the department of  
 39 public safety.>  
 40 35. Page 10, by striking lines 8 and 9 and  
 41 inserting:  
 42 <~~e. b. The person is not~~ Is addicted to the use of  
 43 ~~alcohol or~~ a controlled substance.>  
 44 36. Page 10, line 15, by striking <~~b.~~> and  
 45 inserting <~~c.~~>  
 46 37. By striking page 10, line 16, through page 11,  
 47 line 13, and inserting:  
 48 <~~d. Is prohibited by federal law from shipping,~~  
 49 transporting, possessing, or receiving a firearm.>  
 50 38. Page 12, by striking lines 4 through 7 and

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1 inserting <revolvers during the period that the permit  
 2 remains valid. If the issuing officer determines  
 3 that the applicant has become disqualified under  
 4 the provisions of subsection 1, the issuing officer  
 5 may immediately ~~invalidate~~ revoke the permit and  
 6 shall provide a written statement of the reasons for  
 7 revocation, and the applicant shall have the right to  
 8 appeal the revocation as provided in section 724.21A.>  
 9 39. Page 12, line 21, by striking <commissioner>  
 10 and inserting <issuing officer>  
 11 40. Page 13, line 8, by striking <age> and  
 12 inserting <age date>  
 13 41. Page 13, by striking lines 21 through 25 and  
 14 inserting <“~~D~~” felony. A person who makes what the  
 15 person knows to be a false statement of material fact  
 16 on an application submitted under this section or who  
 17 submits what the person knows to be any materially  
 18 falsified or forged documentation in connection with  
 19 such an application commits a class “D” felony.>  
 20 42. By striking page 13, line 26, through page 14,  
 21 line 22, and inserting:  
 22 <Sec. \_\_. NEW SECTION. 724.21A Denial,  
 23 suspension, or revocation of permit to carry weapons or  
 24 permit to acquire pistols or revolvers.  
 25 1. In any case where the sheriff or the  
 26 commissioner of public safety denies an application  
 27 for or suspends or revokes a permit to carry weapons  
 28 or an annual permit to acquire pistols or revolvers,  
 29 the sheriff or commissioner shall provide a written  
 30 statement of the reasons for the denial, suspension,  
 31 or revocation and the applicant or permit holder  
 32 shall have the right to appeal the denial, suspension,

33 or revocation to an administrative law judge in the  
34 department of inspections and appeals within thirty  
35 days of receiving written notice of the denial,  
36 suspension, or revocation.

37 2. The applicant or permit holder may file an  
38 appeal with an administrative law judge by filing a  
39 copy of the denial, suspension, or revocation notice  
40 with a written statement that clearly states the  
41 applicant's reasons rebutting the denial, suspension,  
42 or revocation along with a fee of ten dollars.  
43 Additional supporting information relevant to the  
44 proceedings may also be included.

45 3. The administrative law judge shall, within  
46 forty-five days of receipt of the request for an  
47 appeal, set a hearing date. The hearing may be held  
48 by telephone or video conference at the discretion  
49 of the administrative law judge. The administrative  
50 law judge shall receive witness testimony and other

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1 evidence relevant to the proceedings at the hearing.  
2 The hearing shall be conducted pursuant to chapter 17A.

3 4. Upon conclusion of the hearing, the  
4 administrative law judge shall order that the denial,  
5 suspension, or revocation of the permit be either  
6 rescinded or sustained. An applicant, permit holder,  
7 or issuing officer aggrieved by the final judgment of  
8 the administrative law judge shall have the right to  
9 judicial review in accordance with the terms of the  
10 Iowa administrative procedure Act, chapter 17A.

11 5. The standard of review under this section shall  
12 be clear and convincing evidence that the issuing  
13 officer's written statement of the reasons for the  
14 denial, suspension, or revocation constituted probable  
15 cause to deny an application or to suspend or revoke  
16 a permit.

17 6. The department of inspections and appeals shall  
18 adopt rules pursuant to chapter 17A as necessary to  
19 carry out the provisions of this section.

20 7. In any case where the issuing officer denies an  
21 application for, or suspends or revokes a permit to  
22 carry weapons or an annual permit to acquire pistols or  
23 revolvers solely because of an adverse determination  
24 by the national instant criminal background check  
25 system, the applicant or permit holder shall not seek  
26 relief under this section but may pursue relief of  
27 the national instant criminal background check system  
28 determination pursuant to Pub. L. No. 103-159, sections  
29 103(f) and (g) and 104 and 28 C.F.R. § 25.10, or other  
30 applicable law. The outcome of such proceedings shall  
31 be binding on the issuing officer.>

- 32 43. Page 14, by striking lines 23 through 34.  
33 44. Page 15, lines 34 and 35, by striking <orders,  
34 commitments, or findings — disabilities> and inserting  
35 <orders or commitments — firearms>  
36 45. Page 16, by striking lines 1 through 19 and  
37 inserting:  
38 <1. A court order referred to in subsection 2 shall  
39 include information informing the person who is the  
40 subject of the order not to ship, possess, receive,  
41 or transport or cause the transport of firearms or  
42 ammunition. The clerk of the district court shall  
43 forward only such information as is necessary to  
44 identify a person subject to an order in subsection  
45 2 to the department of public safety, which in turn  
46 shall forward the information to the federal bureau  
47 of investigation or its successor agency for the sole  
48 purpose of inclusion in the national instant criminal  
49 background check system database.>  
50 46. Page 16, line 22, by striking <or treatment>

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- 1 47. Page 16, line 25, by striking <or treatment>  
2 48. Page 16, by striking lines 27 through 31.  
3 49. Page 16, line 32, by striking <h.> and  
4 inserting <d.>  
5 50. By striking page 16, line 34, through page 17,  
6 line 34, and inserting:  
7 <3. a. A person who is the subject of a court  
8 order listed in subsection 2 and who has been released  
9 from commitment may petition the court that issued  
10 the order or the court in the county where the person  
11 resides no earlier than two years from the date of the  
12 issuance of the order for relief from the disabilities  
13 imposed by 18 U.S.C. section 922(d)(4) and (g)(4).  
14 A copy of the petition shall also be served on the  
15 director of human services and the county attorney at  
16 the county attorney's office of the county in which  
17 the original order occurred, and the director or the  
18 county attorney may appear, support, object to, and  
19 present evidence relevant to the relief sought by the  
20 petitioner. A court considering a petition under this  
21 section shall receive evidence concerning all of the  
22 following:  
23 (1) The circumstances surrounding the original  
24 issuance of the order in subsection 2.  
25 (2) The petitioner's mental health and criminal  
26 history.  
27 (3) The petitioner's reputation and character.  
28 (4) Any changes in the petitioner's condition  
29 or circumstances since the issuance of the order in  
30 subsection 2 that are relevant to the relief sought.

31 b. The court shall grant a petition filed pursuant  
 32 to paragraph "a" if the court finds by a preponderance  
 33 of the evidence that the petitioner will not be likely  
 34 to act in a manner dangerous to the public safety and  
 35 that the granting of the relief would not be contrary  
 36 to the public interest. The petitioner may appeal a  
 37 denial of the requested relief and the review shall be  
 38 de novo. A person may file a petition for relief under  
 39 this subsection not more than once every two years.

40 c. If a court issues an order granting a petition  
 41 for relief under paragraph "b", the clerk of the  
 42 district court shall immediately forward a copy of the  
 43 order to the department of public safety which, upon  
 44 receipt, shall immediately forward such information as  
 45 is necessary to the federal bureau of investigation or  
 46 its successor agency to update the national instant  
 47 criminal background check system database with the  
 48 relief from disabilities.>

49 51. Page 17, after line 34 by inserting:  
 50 <Sec. \_\_\_. TRANSITION PROVISIONS. A permit issued

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1 under chapter 724 prior to January 1, 2011, remains  
 2 effective and continues in effect as issued for the  
 3 twelve-month period following its issuance. This Act  
 4 does not preclude the permit holder from seeking to  
 5 renew the permit under this Act prior to the expiration  
 6 of the twelve-month period.

7 Sec. \_\_\_. EFFECTIVE DATE. This Act takes effect  
 8 January 1, 2011.>

9 52. Title page, line 5, after <penalties> by  
 10 inserting <and an effective date>

11 53. By renumbering as necessary.

COMMITTEE ON JUDICIARY  
 KEITH A. KREIMAN, Chair

## S-5371

1 Amend Senate File 2379 as follows:

2 1. By striking everything after the enacting clause  
 3 and inserting:

4 <Section 1. Section 80A.13, Code 2009, is amended  
 5 to read as follows:

6 80A.13 Campus weapon requirements.

7 An individual employed by a college or university,  
 8 or by a private security business holding a contract  
 9 with a college or university, who performs private  
 10 security duties on a college or university campus and  
 11 who carries a weapon while performing these duties  
 12 shall ~~meet all of the following requirements:~~

13 1. ~~File with the sheriff of the county in which~~  
 14 ~~the campus is located evidence that the individual has~~  
 15 ~~successfully completed an approved firearms training~~  
 16 ~~program under section 724.9. This requirement does not~~  
 17 ~~apply to armored car personnel.~~

18 2. ~~Possess a permit to carry weapons issued by the~~  
 19 ~~sheriff of the county in which the campus is located~~  
 20 ~~under sections 724.6 through 724.11. This requirement~~  
 21 ~~does not apply to armored car personnel.~~

22 3. ~~File~~ file with the sheriff of the county in  
 23 which the campus is located a sworn affidavit from  
 24 the employer outlining the nature of the duties to be  
 25 performed and justification of the need to go armed.  
 26 Sec. 2. Section 724.4, Code 2009, is amended to  
 27 read as follows:

28 724.4 Carrying weapons.

29 1. Except as otherwise provided in this section, a  
 30 person who goes armed with a dangerous weapon ~~concealed~~  
 31 ~~on or about the person, or who, within the limits of~~  
 32 ~~any city, goes armed with a pistol or revolver, or~~  
 33 ~~any loaded firearm of any kind, whether concealed~~  
 34 ~~or not, or who knowingly carries or transports in a~~  
 35 ~~vehicle a pistol or revolver, commits an aggravated~~  
 36 ~~misdemeanor with the intent to commit a crime of~~  
 37 violence commits a class "D" felony. This subsection  
 38 applies regardless of whether the dangerous weapon  
 39 is concealed or not concealed on or about the person  
 40 and regardless of whether the dangerous weapon is  
 41 transported in a vehicle. For purposes of this  
 42 subsection, "crime of violence" means a felony which  
 43 has, as an element of the offense, the use of physical  
 44 force by one person against another person.

45 2. A person who goes armed with a knife concealed  
 46 on or about the person, if the person uses the knife  
 47 in the commission of a crime, commits an aggravated  
 48 misdemeanor.

49 3. A person who goes armed with a knife concealed  
 50 on or about the person, if the person does not use the

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1 knife in the commission of a crime:  
 2 a. If the knife has a blade exceeding eight inches  
 3 in length, commits an aggravated misdemeanor.  
 4 b. If the knife has a blade exceeding five inches  
 5 but not exceeding eight inches in length, commits a  
 6 serious misdemeanor.  
 7 4. Subsections 1 through 3 do not apply to any of  
 8 the following:  
 9 a. A person who for any lawful purpose goes armed  
 10 with a dangerous weapon in the person's own dwelling  
 11 or place of business, or on land owned or possessed by

12 the person.

13 b. A peace officer, when the officer's duties  
14 require the person to carry such weapons.

15 ~~e. A member of the armed forces of the United  
16 States or of the national guard or person in the  
17 service of the United States, when the weapons are  
18 carried in connection with the person's duties as such.~~

19 ~~d. A correctional officer, when the officer's  
20 duties require, serving under the authority of the Iowa  
21 department of corrections.~~

22 ~~e. c. A person who for any lawful purpose carries  
23 an unloaded pistol, revolver, or other dangerous weapon  
24 inside a closed and fastened container or securely  
25 wrapped package which is too large to be concealed on  
26 the person.~~

27 ~~f. A person who for any lawful purpose carries or  
28 transports an unloaded pistol or revolver in a vehicle  
29 inside a closed and fastened container or securely  
30 wrapped package which is too large to be concealed on  
31 the person or inside a cargo or luggage compartment  
32 where the pistol or revolver will not be readily  
33 accessible to any person riding in the vehicle or  
34 common carrier.~~

35 ~~g. A person while the person is lawfully engaged in  
36 target practice on a range designed for that purpose or  
37 while actually engaged in lawful hunting.~~

38 ~~h. d. A person who carries a knife used in hunting  
39 or fishing, while actually engaged in lawful hunting  
40 or fishing.~~

41 ~~i. A person who has in the person's possession  
42 and who displays to a peace officer on demand a valid  
43 permit to carry weapons which has been issued to the  
44 person, and whose conduct is within the limits of that  
45 permit. A person shall not be convicted of a violation  
46 of this section if the person produces at the person's  
47 trial a permit to carry weapons which was valid at  
48 the time of the alleged offense and which would have  
49 brought the person's conduct within this exception if  
50 the permit had been produced at the time of the alleged~~

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1 ~~offense.~~

2 ~~j. e. A law enforcement officer from another state  
3 when the officer's duties require the officer to carry  
4 the weapon and the officer is in this state for any of  
5 the following reasons:~~

6 (1) The extradition or other lawful removal of a  
7 prisoner from this state.

8 (2) Pursuit of a suspect in compliance with chapter  
9 806.

10 (3) Activities in the capacity of a law enforcement

11 officer with the knowledge and consent of the chief  
 12 of police of the city or the sheriff of the county in  
 13 which the activities occur or of the commissioner of  
 14 public safety.

15 ~~k. f.~~ A person engaged in the business of  
 16 transporting prisoners under a contract with the  
 17 Iowa department of corrections or a county sheriff,  
 18 a similar agency from another state, or the federal  
 19 government.

20 Sec. 3. Section 724.4B, subsection 2, paragraph a,  
 21 Code 2009, is amended to read as follows:

22 a. A person listed under section 724.4, subsection  
 23 4, ~~paragraphs paragraph "b" through "f," "c," or~~  
 24 ~~"j," "e."~~

25 Sec. 4. Section 724.6, subsection 1, Code  
 26 Supplement 2009, is amended to read as follows:

27 1. A person ~~may be issued a permit to carry weapons~~  
 28 ~~when the person's employment who is employed~~ in a  
 29 private investigation business or private security  
 30 business licensed under chapter 80A, ~~or a person's~~  
 31 ~~employment~~ as a peace officer, correctional officer,  
 32 security guard, bank messenger or other person  
 33 transporting property of a value requiring security, or  
 34 in police work, whose employment reasonably justifies  
 35 that person going armed, shall be issued a professional  
 36 permit to carry weapons if the person applies for  
 37 the permit and meets the requirements of sections  
 38 724.8 through 724.10. The permit shall be on a form  
 39 prescribed and published by the commissioner of public  
 40 safety, shall identify the holder, and shall state  
 41 the nature of the employment requiring the holder to  
 42 go armed. A permit so issued, other than to a peace  
 43 officer, shall authorize the person to whom it is  
 44 issued to go armed anywhere in the state, ~~only~~ while  
 45 engaged in the employment, and while going to and from  
 46 the place of the employment. A permit issued to a  
 47 certified peace officer shall authorize that peace  
 48 officer to go armed anywhere in the state at all times.  
 49 Permits shall expire ~~twelve months~~ five years after the  
 50 date when issued except that permits issued to peace

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1 officers and correctional officers are valid through  
 2 the officer's period of employment unless otherwise  
 3 canceled. When the employment is terminated, the  
 4 holder of the permit shall surrender it to the issuing  
 5 officer for cancellation.

6 Sec. 5. Section 724.7, Code 2009, is amended to  
 7 read as follows:

8 724.7 Nonprofessional permit to carry weapons.

9 Any person ~~who can reasonably justify going armed~~

10 ~~may not otherwise prohibited from possessing or~~  
 11 ~~transporting a firearm and who meets the requirements~~  
 12 ~~in sections 724.8 through 724.10 shall~~ be issued a  
 13 nonprofessional permit to carry weapons if the person  
 14 applies for such permit. Such permits shall be on a  
 15 form prescribed and published by the commissioner of  
 16 public safety, which shall be readily distinguishable  
 17 from the professional permit, and shall identify the  
 18 holder thereof, and state the reason for the issuance  
 19 of the permit, ~~and the limits of the authority granted~~  
 20 ~~by such permit~~. All permits so issued shall be for a  
 21 definite five-year period as established by the issuing  
 22 officer, but in no event shall exceed a period of  
 23 twelve months.

24 Sec. 6. Section 724.8, subsection 5, Code 2009, is  
 25 amended to read as follows:

26 5. ~~The issuing officer reasonably determines that~~  
 27 ~~the applicant does not constitute a danger to any~~  
 28 ~~person~~ person is not otherwise prohibited by state or  
 29 federal law from possessing or transporting a firearm.

30 Sec. 7. Section 724.9, Code 2009, is amended to  
 31 read as follows:

32 724.9 Firearm training program.

33 A training program to qualify persons in the safe  
 34 use of firearms shall be provided by the issuing  
 35 officer of permits, as provided in section 724.11.  
 36 ~~The commissioner of public safety shall approve~~  
 37 ~~the training program, and the county sheriff or~~  
 38 the commissioner of public safety conducting the  
 39 training program within their respective jurisdictions  
 40 ~~may shall~~ contract with a private organization or  
 41 use the services of other agencies, or may use a  
 42 combination of the two, to provide such training a  
 43 private individual or a professional organization who  
 44 shall conduct the training consistent with training  
 45 standards set forth by the national rifle association.

46 Any person eligible to be issued a permit to carry  
 47 weapons may enroll in such course. A fee sufficient  
 48 to cover the cost of the program may be charged each  
 49 person attending. Certificates of completion, on a  
 50 form prescribed and published by the commissioner

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1 of public safety, shall be issued to each person who  
 2 successfully completes the program. ~~No A~~ A person shall  
 3 not be issued either a professional or nonprofessional  
 4 permit unless the person has received a certificate of  
 5 completion or is a certified peace officer. ~~No peace~~  
 6 ~~officer or correctional officer, except a certified~~  
 7 ~~peace officer, shall go armed with a pistol or revolver~~  
 8 ~~unless the officer has received a certificate of~~



9 ~~completion, provided that this requirement shall not~~  
10 ~~apply to persons who are employed in this state as~~  
11 ~~peace officers on January 1, 1978 until July 1, 1978,~~  
12 ~~or to peace officers of other jurisdictions exercising~~  
13 ~~their legal duties within this state.~~

14 Sec. 8. Section 724.11, Code 2009, is amended to  
15 read as follows:

16 724.11 Issuance of permit to carry weapons.  
17 ~~Applications for permits~~ An application for a  
18 permit to carry weapons, if made, shall be made to the  
19 sheriff of the county in which the applicant resides.  
20 Applications from persons who are nonresidents of  
21 the state, or whose need to go armed arises out  
22 of employment by the state, shall be made to the  
23 commissioner of public safety. In either case,  
24 the issuance of the permit shall be by ~~and at the~~  
25 ~~discretion of~~ the sheriff or commissioner, who  
26 shall, before issuing the permit, determine that the  
27 requirements of sections ~~724.6 to 724.8~~ through 724.10  
28 have been satisfied and the person is not otherwise  
29 prohibited by state or federal law from possessing or  
30 transporting a firearm. ~~However, the training program~~  
31 ~~requirements in section 724.9 may be waived for renewal~~  
32 ~~permits.~~ The issuing officer shall collect a fee  
33 of ~~ten~~ fifty dollars, except from a duly appointed  
34 peace officer or correctional officer, for each permit  
35 issued. Renewal permits or duplicate permits shall be  
36 issued for a fee of five dollars. The issuing officer  
37 shall notify the commissioner of public safety of the  
38 issuance of any permit at least monthly and forward to  
39 the commissioner an amount equal to two dollars for  
40 each permit issued and one dollar for each renewal  
41 or duplicate permit issued. All such fees received  
42 by the commissioner shall be paid to the treasurer  
43 of state and deposited in the operating account of  
44 the department of public safety to offset the cost of  
45 administering this chapter. Any unspent balance as of  
46 June 30 of each year shall revert to the general fund  
47 as provided by section 8.33.

48 Sec. 9. **NEW SECTION.** 724.11A Reciprocity.

49 A person possessing a valid out-of-state permit to  
50 carry a weapon shall be entitled to the privileges and

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1 subject to the restrictions prescribed by this chapter  
 2 provided the state that issued the license recognizes  
 3 weapons permits issued in Iowa and provided the person  
 4 possessing such permit is not otherwise prohibited from  
 5 possessing a firearm.  
 6 Sec. 10. REPEAL. Section 724.5, Code 2009, is  
 7 repealed.>  
 8 2. Title page, by striking lines 1 through 5  
 9 and inserting <An Act relating to permits to carry  
 10 weapons.>

DAVID HARTSUCH  
 JERRY BEHN  
 STEVE KETTERING  
 KIM REYNOLDS

**S-5372**

1 Amend Senate File 2379 as follows:  
 2 1. Page 3, after line 13 by inserting:  
 3 <Sec. \_\_. NEW SECTION. 724.7A Unlawful use of a  
 4 nonprofessional permit to carry weapons.  
 5 A person issued a nonprofessional permit to carry  
 6 weapons pursuant to section 724.7 who carries a firearm  
 7 and who uses or displays such firearm while committing  
 8 an offense which is an aggravated misdemeanor or a  
 9 felony under chapter 708, 708A, 709, 710, 711, 712,  
 10 or 713, shall, if convicted of such an offense, be  
 11 sentenced to twice the term otherwise imposed by law,  
 12 and no such judgment, sentence, or part thereof shall  
 13 be deferred or suspended.>  
 14 2. By renumbering as necessary.

STEVEN J. SODDERS

**S-5373**

1 Amend Senate File 2379 as follows:  
 2 1. Page 5, by striking lines 2 and 3 and inserting:  
 3 <a. Completion, on an annual basis, of any national  
 4 rifle association firearms safety or firearms training  
 5 course that specifically includes instruction on the  
 6 use of deadly force.>  
 7 2. By renumbering as necessary.

STEVEN J. SODDERS

**S-5374**

- 1 Amend Senate File 2379 as follows:
- 2 1. Page 9, line 9, before <An> by inserting <1.>
- 3 2. Page 9, line 29, after <application.> by
- 4 inserting:
- 5 <2. A person issued a permit to carry weapons
- 6 under this chapter shall have the permit revoked for a
- 7 period of five years if the person interacts with a law
- 8 enforcement officer acting in their official capacity
- 9 and fails to notify the law enforcement officer that
- 10 the person is carrying a concealed weapon.
- 11 3.>
- 12 3. By renumbering as necessary.

STEVEN J. SODDERS

**S-5375**

- 1 Amend the amendment, S-5360, to House File 2531,
- 2 as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 3, after line 9 by inserting:
- 5 <5. DEPARTMENT OF COMMERCE — DIVISION OF INSURANCE
- 6 For costs associated with establishing the Iowa
- 7 insurance information exchange pursuant to section
- 8 505.32, if enacted by 2010 Iowa Acts, Senate File 2356:
- 9 ..... \$ 150,000>
- 10 2. By renumbering as necessary.

JACK HATCH

**S-5376**

- 1 Amend House File 2531, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 45, line 1, after <of Iowa,> by inserting
- 4 <the Iowa renewable fuels association.>

DARYL BEALL  
 AMANDA RAGAN  
 TOM HANCOCK

**S-5377**

- 1 Amend the amendment, S-5360, to House File 2531,
- 2 as amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 3, after line 9 by inserting:
- 5 <\_. DEPARTMENT OF HUMAN SERVICES
- 6 For restoring for the fiscal year beginning July 1,

7 2010, a portion of the reimbursement rate reduction  
8 that was applied in the previous fiscal year to  
9 adoption, family foster care, group foster care, and  
10 supervised apartment living services providers, to  
11 implement appropriations reductions applied pursuant to  
12 executive order number 19 issued October 8, 2010:  
13 ..... \$ 1,000,000  
14 The department shall increase the reimbursement  
15 rates otherwise specified in 2010 Iowa Acts, House File  
16 2526, if enacted, for the designated services providers  
17 by an equal percentage in order to fully utilize the  
18 amount appropriated in this subsection.>  
19 2. By renumbering as necessary.

JACK HATCH  
AMANDA RAGAN  
BECKY SCHMITZ

**S-5378**

1 Amend House File 2531, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 4, by striking lines 8 through 13 and  
4 inserting:  
5 <Sec. \_\_\_. INSTRUCTIONAL SUPPORT STATE AID —  
6 APPROPRIATION. In lieu of the appropriation provided  
7 in section 257.20, there is appropriated from the  
8 school infrastructure fund created in section 12.82,  
9 subsection 1, to the department of education for the  
10 fiscal year beginning July 1, 2010, and ending June 30,  
11 2011, the following amount, or so much thereof as is  
12 necessary, to be used for the purposes designated:  
13 For paying instructional support state aid for  
14 fiscal year 2010–2011:  
15 ..... \$ 7,500,000  
16 Notwithstanding section 257.20, subsection 3, the  
17 appropriation made in this lettered paragraph shall  
18 be allocated in the same manner as the allocation of  
19 the appropriation was made for the same purpose in the  
20 previous fiscal year.>  
21 2. By renumbering as necessary.

BILL HECKROTH

**S-5379**

1 Amend House File 2531, as amended, passed, and  
2 reprinted by the House, as follows:  
3 1. Page 46, after line 5 by inserting:  
4 <DIVISION \_\_  
5 WITHHOLDING TAX CREDITS  
6 Sec. \_\_\_. WITHHOLDING CREDIT PROGRAM REPORT AND

7 PLAN.

8 1. It is the intent of the general assembly that  
9 the withholding credit provisions of the industrial new  
10 jobs training program in chapter 260E, the accelerated  
11 career education program in chapter 260G, and the  
12 targeted jobs withholding credit program in section  
13 403.19A be implemented and administered in an accurate  
14 and transparent way.

15 2. The department of revenue shall, in conjunction  
16 with the community colleges, the pilot project cities,  
17 and the department of economic development, engage in  
18 a comprehensive review and evaluation of the programs  
19 described in subsection 1.

20 3. After conducting the review and evaluation under  
21 subsection 2, the department of revenue, in conjunction  
22 with the community colleges, the pilot project cities,  
23 and the department of economic development, shall  
24 develop a plan under which the withholding credits  
25 provided for in the programs described in subsection  
26 1 are remitted first to the department of revenue and  
27 then transferred to the community colleges and pilot  
28 project cities only after the proper amount of such  
29 credits has been verified by the department of revenue.  
30 The plan shall provide for implementation of changes to  
31 the programs as of July 1, 2011.

32 4. The department of revenue shall submit a report  
33 containing the results of the program review conducted  
34 under subsection 2 and the plan developed under  
35 subsection 3 to the governor and the general assembly  
36 by December 15, 2010.>

37 2. Page 46, after line 5 by inserting:

38 <DIVISION \_\_\_

39 LIABILITY DEFERRAL

40 Sec. \_\_\_ REPLACEMENT TAX LIABILITY —  
41 DEFERRAL. Replacement tax imposed for the consumption  
42 of natural gas pursuant to section 437A.5, subsection  
43 2, and otherwise owed for a tax year beginning on or  
44 before January 1, 2008, by a consumer who bypasses a  
45 natural gas company, together with interest thereon,  
46 shall be deferred until July 1, 2011. During the  
47 deferral period, the consumer shall remain liable  
48 for replacement tax due for tax years beginning on or  
49 after January 1, 2009. Upon expiration of the deferral  
50 period, a consumer shall be liable for any replacement

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1 tax assessed for a tax year beginning on or before  
2 January 1, 2008, and any and all rights to protest that  
3 assessment shall be preserved. The utility replacement  
4 tax task force established in section 437A.15,  
5 subsection 7, shall conduct an analysis and review

6 concerning consumer tax liability pursuant to this  
 7 section, and shall submit recommendations resulting  
 8 from the analysis and review to the department and the  
 9 general assembly by January 1, 2011.  
 10 Sec. \_\_\_. EFFECTIVE UPON ENACTMENT. This division  
 11 of this Act, being deemed of immediate importance,  
 12 takes effect upon enactment.>  
 13 3. By renumbering as necessary.

MICHAEL E. GRONSTAL  
 JOHN P. KIBBIE

### S-5380

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 30, after line 21 by inserting:  
 4 <Sec. \_\_\_. SCHOOL READY CHILDREN GRANT  
 5 REQUIREMENT. For the fiscal year beginning July 1,  
 6 2010, and ending June 30, 2011, the early childhood  
 7 Iowa state board may grant a school ready children  
 8 grant waiver as to the required percentage of family  
 9 support program to be committed to a home visitation  
 10 component to an early childhood Iowa area that is  
 11 funding the teaching interventions to empower and  
 12 strengthen families program and is more than 10 percent  
 13 away from meeting the required percentage.>  
 14 2. By renumbering as necessary.

ROBERT M. HOGG

### S-5381

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2284

1 Amend the Senate amendment, H-8380, to House File  
 2 2284, as passed by the House, as follows:  
 3 1. Page 1, by striking lines 16 through 21 and  
 4 inserting:  
 5 <\_\_\_. By striking page 5, line 8, through page 6,  
 6 line 1, and inserting:  
 7 <Sec. \_\_\_. Section 157.8, subsection 2, Code 2009,  
 8 is amended to read as follows:  
 9 2. a. The number of instructors for each school  
 10 shall be based upon total enrollment, with a minimum  
 11 of two licensed instructors employed on a full-time  
 12 basis for up to thirty students and an additional  
 13 licensed instructor for each fifteen additional  
 14 students. A student instructor shall not be used to  
 15 meet licensed instructor-to-student ratios. However,

16 a school operated by an area community college prior  
 17 to September 1, 1982, with only one instructor per  
 18 fifteen students is not subject to this paragraph  
 19 and may continue to operate with the ratio of one  
 20 licensed instructor to fifteen students. A student  
 21 instructor may not be used to meet this requirement.

22 b. A school with less than thirty students  
 23 enrolled may have one licensed instructor on site in  
 24 the school if offering only clinic services or only  
 25 theory instruction in a single classroom and less than  
 26 fifteen students are present. If a school is offering  
 27 clinic services and theory instruction simultaneously  
 28 to less than fifteen students, at least two licensed  
 29 instructors must be on site. Schools with more than  
 30 thirty students enrolled shall meet the licensed  
 31 instructor-to-student ratio as provided in paragraph  
 32 "a".

33 ~~a~~ c. A person employed as an instructor in  
 34 the cosmetology arts and sciences by a licensed  
 35 school shall be licensed in the practice and shall  
 36 possess a separate instructor's license which shall  
 37 be renewed biennially. An instructor shall file an  
 38 application with the department on forms prescribed  
 39 by the board. ~~Prior to licensure, an applicant for~~  
 40 ~~an instructor's license shall have been actively~~  
 41 ~~engaged in the practice for a period of two years and~~  
 42 ~~complete a course of study required by the board or~~  
 43 ~~an instructor's course at a school for cosmetology~~  
 44 ~~arts and sciences, and meet any other requirement~~  
 45 ~~established by the board. Requirements for licensure~~  
 46 ~~as an instructor shall be determined by the board by~~  
 47 ~~rule.~~

48 ~~b~~ d. The application for an instructor's license  
 49 shall be accompanied by the biennial fee determined  
 50 pursuant to section 147.80. >>

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- 1 2. By renumbering as necessary.

## S-5382

### HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 2525

- 1 Amend the Senate amendment, H-8539, to House File
- 2 2525, as amended, passed, and reprinted by the House,
- 3 as follows:
- 4 1. Page 1, by striking lines 15 through 35 and
- 5 inserting <Assembly include a line item provision for
- 6 the state fish and game protection fund that accounts

7 for full-time equivalent positions supported by the  
8 fund.  
9 \_\_\_\_\_. The department of natural resources shall  
10 prepare a report to the governor and the general  
11 assembly providing a detailed accounting of revenue  
12 and expenditures involving the state fish and game  
13 protection fund. Prior to November 15, 2010, the  
14 department shall submit the report to the governor  
15 and general assembly, including the chairpersons and  
16 ranking members of the standing committees of the  
17 senate and house of representatives having jurisdiction  
18 over natural resources and the joint appropriations  
19 subcommittee on agriculture and natural resources. The  
20 report shall include all of the following:  
21 a. Information regarding the following four  
22 operational units: management, the law enforcement  
23 bureau, the fisheries bureau, and the wildlife bureau.  
24 The information shall include all of the following:  
25 (1) The allocation of full-time equivalent  
26 positions in each operational unit.  
27 (2) The title and description of each position in  
28 each operational unit.  
29 (3) A line item accounting of expenditures for each  
30 operational unit.  
31 b. A line item accounting of the balance in the  
32 fund to be carried forward on June 30, 2010.  
33 c. A line item accounting for sources of income  
34 deposited into the fund.  
35 d. A line item accounting of capital projects,  
36 including but not limited to land owned by the  
37 department, projected land purchases by the department,  
38 revenue generated from land owned by the department  
39 and its classified use, and income or losses from land  
40 leased by the department. The line item shall account  
41 for such land regardless of whether the land was  
42 acquired in whole or in part from moneys originating  
43 from the fund. The report shall also include a  
44 justification for each capital project.  
45 e. A description of all programs supported by the  
46 fund and a justification for each of the programs as a  
47 constitutionally allowable expenditure. >>  
48 2. Page 2, line 1, after <266.39> by inserting <,  
49 in consultation with the Iowa cooperative extension  
50 service in agriculture and home economics as provided

Page 2

1 in chapter 266, at Iowa state university of science and  
2 technology>  
3 3. Page 2, line 7, after <agriculture> by inserting  
4 < , in consultation with the Iowa cooperative extension  
5 service in agriculture and home economics,>



- 6 4. Page 2, line 40, by striking <twenty-five> and  
7 inserting <fifty>
- 8 5. By striking page 2, line 43, through page 3,  
9 line 1.
- 10 6. Page 3, line 2, by striking <(D)> and inserting  
11 <(B)>
- 12 7. Page 3, line 2, by striking <twenty-five> and  
13 inserting <fifty>
- 14 8. Page 3, line 4, after <projects> by inserting  
15 <including the deconstruction, renovation, or removal  
16 of derelict buildings. Eligible communities are  
17 limited to cities of five thousand or fewer in  
18 population. Eligible costs shall include but are not  
19 limited to asbestos abatement and removal, the recovery  
20 and processing of recyclable or reusable material from  
21 derelict buildings and reimbursement for purchased  
22 recycled content materials used in the renovation  
23 of buildings. Special consideration may be given to  
24 communities that hire the unemployed to deconstruct  
25 structures, clean up the properties and, if there is no  
26 immediate buyer for the properties, turn the properties  
27 into green spaces. Any business entity or individual  
28 engaged in the removal or abatement of asbestos must  
29 have obtained a valid license or permit as required in  
30 chapter 88B>
- 31 9. Page 3, after line 44 by inserting:  
32 <\_\_. Title page, line 3, after <effective> by  
33 inserting <and applicability>>
- 34 10. By renumbering as necessary.

**S-5383**

- 1 Amend the amendment, S-5344, to House File 2531,  
2 as amended, passed, and reprinted by the House, as  
3 follows:
- 4 1. By striking page 1, line 6, through page 2, line  
5 18, and inserting:  
6 <Sec. \_\_. BREAST-FEEDING IN THE WORKPLACE. It  
7 is the intent of the general assembly that the state  
8 shall not enact more stringent provisions than those  
9 provided in federal House Resolution 3590, the Patient  
10 Protection and Affordable Care Act, section 4207,  
11 amending section 7 of the Fair Labor Standards Act of  
12 1938, 29 U.S.C. § 207, relating to employers providing  
13 time and locations for employees to express breast  
14 milk.>
- 15 2. By renumbering as necessary.

**S-5384**

1 Amend the amendment, S-5354 to House File 2531,  
 2 as amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 4, line 36, by striking <The> and inserting  
 5 <Contingent upon enactment of 2010 Iowa Acts, Senate  
 6 File 2388, the>  
 7 2. Page 4, after line 41 by inserting:  
 8 <Sec. \_\_\_\_ . CONTINGENT IMPLEMENTATION.  
 9 Implementation of the provisions of this division  
 10 of this Act making appropriations from the hospital  
 11 health care access trust fund and the nonparticipating  
 12 provider reimbursement fund and reducing the medical  
 13 assistance program appropriation are contingent upon  
 14 the department of human services receiving approval of  
 15 the requests relating to medical assistance waivers  
 16 and state plan amendments necessary to implement the  
 17 hospital health care access trust fund if enacted by  
 18 2010 Iowa Acts, Senate File 2388.>

JOE BOLKCOM

**S-5385**

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 40, after line 29 by inserting:  
 4 <Sec. \_\_\_\_ . Section 321.463, subsection 5, paragraph  
 5 c, Code Supplement 2009, is amended to read as follows:  
 6 c. (1) The maximum gross weight allowed to be  
 7 carried on a ~~livestock or construction~~ commercial  
 8 motor vehicle, other than a special truck, on  
 9 noninterstate highways, provided the vehicle is  
 10 operated by a person with a commercial driver's license  
 11 valid for the vehicle operated unless section 321.176A  
 12 applies, is as follows:  
 13 NONINTERSTATE HIGHWAYS  
 14 MAXIMUM GROSS WEIGHT TABLE  
 15 LIVESTOCK OR CONSTRUCTION COMMERCIAL MOTOR VEHICLE  
 16 Distance  
 17 in feet            6 Axles            7 Axles  
 18 \_\_\_\_\_  
 19 44                80,500            80,500  
 20 45                81,000            81,500  
 21 46                81,500            82,500  
 22 47                82,000            83,500  
 23 48                83,000            84,000  
 24 49                83,500            85,000  
 25 50                84,000            86,000  
 26 51                84,500            87,000  
 27 52                85,000            88,000

28	53	86,000	88,500
29	54	86,500	89,500
30	55	87,000	90,500
31	56	87,500	91,500
32	57	88,000	92,000
33	58	89,000	93,000
34	59	89,500	94,000
35	60	90,000	95,000
36	61		95,500
37	62		96,000

38 (2) Notwithstanding any provision of this section  
 39 to the contrary, the maximum gross weight allowed to  
 40 be carried on a noninterstate highway by a livestock  
 41 vehicle with five axles, a minimum distance in feet  
 42 between the centers of the first and fifth axles of  
 43 sixty-one feet, and a minimum distance between the  
 44 two rear axles of at least eight feet and one inch is  
 45 eighty-six thousand pounds.>  
 46 2. By renumbering as necessary.

TIM L. KAPUCIAN  
 KIM REYNOLDS  
 DAVID JOHNSON  
 STEVEN J. SODDERS

## S-5386

1 Amend House File 2531, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 42, after line 5 by inserting:  
 4 <Sec. \_\_\_\_ Section 600C.1, Code 2009, is amended by  
 5 striking the section and inserting in lieu thereof the  
 6 following:  
 7 600C.1 Grandparent and great-grandparent visitation.  
 8 1. The grandparent or great-grandparent of a  
 9 minor child may petition the court for grandchild or  
 10 great-grandchild visitation when the parent of the  
 11 minor child, who is the child of the grandparent or the  
 12 grandchild of the great-grandparent, is deceased.  
 13 2. The court shall consider a fit parent's  
 14 objections to granting visitation under this section.  
 15 A rebuttable presumption arises that a fit parent's  
 16 decision to deny visitation to a grandparent or  
 17 great-grandparent is in the best interest of a minor  
 18 child.  
 19 3. The court may grant visitation to the  
 20 grandparent or great-grandparent under this section  
 21 if the court finds all of the following by clear and  
 22 convincing evidence:  
 23 a. It is in the best interest of the child to grant  
 24 such visitation.  
 25 b. The grandparent or great-grandparent has

26 established a substantial relationship with the child  
27 prior to the filing of the petition.

28 c. That the presumption that the parent who is  
29 being asked to temporarily relinquish care, custody,  
30 and control of the child to provide visitation is fit  
31 to make the decision regarding visitation is overcome  
32 by demonstrating one of the following:

- 33 (1) The parent is unfit to make such decision.
- 34 (2) The parent's judgment has been impaired and the  
35 relative benefit to the child of granting visitation  
36 greatly outweighs any effect on the parent-child  
37 relationship. Impaired judgment of a parent may be  
38 evidenced by any of, but not limited to, the following:
  - 39 (a) Neglect of the child.
  - 40 (b) Abuse of the child.
  - 41 (c) Violence toward the child.
  - 42 (d) Indifference or absence of feeling toward the  
43 child.
  - 44 (e) Demonstrated unwillingness and inability to  
45 promote the emotional and physical well-being of the  
46 child.
  - 47 (f) Drug abuse.
  - 48 (g) A diagnosis of mental illness.

49 4. In determining the best interest of the child,  
50 the court shall consider all of the following:

Page 2

1 a. The prior interaction and interrelationships of  
2 the child with the child's parents, siblings, and other  
3 persons related by consanguinity or affinity, compared  
4 to the child's relationship with the grandparent or  
5 great-grandparent.

6 b. The geographical location of the grandparent's  
7 or great-grandparent's residence and the distance  
8 between the grandparent's or great-grandparent's  
9 residence and the child's residence.

10 c. The child's and parent's available time,  
11 including but not limited to the parent's employment  
12 schedule, the child's school schedule, the amount of  
13 time that will be available for the child to spend with  
14 siblings, and the child's and the parent's holiday and  
15 vacation schedules.

16 d. The age of the child.

17 e. If the court has interviewed the child in  
18 chambers as provided in this section regarding the  
19 wishes and concerns of the child as to visitation  
20 by the grandparent or great-grandparent or as to a  
21 specific visitation schedule, the wishes and concerns  
22 of the child, as expressed to the court.

23 f. The health and safety of the child.

24 g. The mental and physical health of all parties.

- 25 h. Whether the grandparent or great-grandparent  
26 previously has been convicted of or pleaded guilty to  
27 any criminal offense involving any act that resulted  
28 in a child being an abused child or a neglected child;  
29 whether the grandparent or great-grandparent previously  
30 has been convicted of or pleaded guilty to a crime  
31 involving a victim who at the time of the commission  
32 of the offense was a member of the family or household  
33 that is the subject of the current proceeding; and  
34 whether there is reason to believe that the grandparent  
35 or great-grandparent has acted in a manner resulting in  
36 a child having ever been found to be an abused child  
37 or a neglected child.
- 38 i. The wishes and concerns of the child's parent,  
39 as expressed by the parent to the court.
- 40 j. Any other factor in the best interest of the  
41 child.
- 42 5. For the purposes of this subsection "substantial  
43 relationship" includes but is not limited to any of the  
44 following:
- 45 a. The child has lived with the grandparent or  
46 great-grandparent for at least six months.
- 47 b. The grandparent or great-grandparent has  
48 voluntarily and in good faith supported the child  
49 financially in whole or in part for a period of not  
50 less than six months.

Page 3

- 1 c. The grandparent or great-grandparent has had  
2 frequent visitation including occasional overnight  
3 visitation with the child for a period of not less than  
4 one year.
- 5 6. If the court interviews any child concerning  
6 the child's wishes and concerns regarding parenting  
7 time or visitation, the interview shall be conducted  
8 in chambers, and only the child, the child's attorney,  
9 the judge, any necessary court personnel, and, in the  
10 judge's discretion, the attorney of the parent shall  
11 be permitted to be present in the chambers during the  
12 interview. A person shall not obtain or attempt to  
13 obtain from a child a written or recorded statement or  
14 affidavit setting forth the wishes and concerns of the  
15 child regarding parenting time or visitation.
- 16 7. For the purposes of this section, "court" means  
17 the district court or the juvenile court if that court  
18 currently has jurisdiction over the child in a pending  
19 action. If an action is not pending, the district  
20 court has jurisdiction.
- 21 8. Notwithstanding any provision of this chapter  
22 to the contrary, venue for any action to establish,  
23 enforce, or modify visitation under this section shall

24 be in the county where the child resides if no final  
25 custody order determination relating to the grandchild  
26 or great-grandchild has been entered by any other  
27 court. If a final custody order has been entered by  
28 any other court, venue shall be located exclusively in  
29 the county where the most recent final custody order  
30 was entered. If any other custodial proceeding is  
31 pending when an action to establish, enforce, or modify  
32 visitation under this section is filed, venue shall be  
33 located exclusively in the county where the pending  
34 custodial proceeding was filed.

35 9. Notice of any proceeding to establish, enforce,  
36 or modify visitation under this section shall be  
37 personally served upon the parent of the child  
38 whose interests are affected by a proceeding brought  
39 pursuant to this section and all grandparents or  
40 great-grandparents who have previously obtained a final  
41 order or commenced a proceeding under this section.

42 10. The court shall not enter any temporary order  
43 to establish, enforce, or modify visitation under this  
44 section.

45 11. An action brought under this section is subject  
46 to chapter 598B, and in an action brought to establish,  
47 enforce, or modify visitation under this section,  
48 each party shall submit in its first pleading or in an  
49 attached affidavit all information required by section  
50 598B.209.

Page 4

1 12. A grandparent or great-grandparent shall not  
2 petition for visitation under this section more than  
3 once every two years absent a showing of good cause.

4 13. The court shall not issue an order restricting  
5 the movement of the child if such restriction is  
6 solely for the purpose of allowing the grandparent  
7 or great-grandparent the opportunity to exercise the  
8 grandparent's or great-grandparent's visitation under  
9 this section.>

10 2. By renumbering as necessary.

KEITH A. KREIMAN  
STEVEN J. SODDERS  
DAVID HARTSUCH

**S-5387**

- 1 Amend the amendment, S-5370, to Senate File 2379 as  
2 follows:  
3 1. Page 6, lines 42 and 43, by striking <a copy of  
4 the order> and inserting <only such information as is  
5 necessary to identify a person granted relief>

KEITH A. KREIMAN

**S-5388**

- 1 Amend the amendment, S-5345, to House File 2531,  
2 as amended, passed, and reprinted by the House, as  
3 follows:  
4 1. By striking page 2, line 44, through page 3,  
5 line 18.

JOE BOLKCOM

**S-5389**

- 1 Amend the amendment, S-5360, to House File 2531,  
2 as amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 8, by striking lines 24 and 25 and  
5 inserting <or group providing treatment of autism  
6 spectrum disorders. An autism service provider  
7 that provides treatment of autism spectrum disorders  
8 that includes applied behavioral analysis shall be  
9 certified as a behavior analyst by the behavior analyst  
10 certification board or shall be a health professional  
11 licensed under chapter 147.>  
12 2. Page 8, by striking lines 37 through 45.  
13 3. Page 9, by striking lines 41 through 43 and  
14 inserting <in consultation with the patient and the  
15 patient's representative.>  
16 4. By striking page 11, line 24, through page 12,  
17 line 20.  
18 5. By renumbering as necessary.

DARYL BEALL

**S-5390**

- 1 Amend the amendment, S-5385, to House File 2531,  
2 as amended, passed, and reprinted by the House, as  
3 follows:  
4 1. Page 1, lines 11 and 12, by striking <unless  
5 section 321.176A applies>  
6 2. By renumbering as necessary.

TOM RIELLY

**S-5391**

- 1 Amend the amendment, S-5385, to House File 2531,  
 2 as amended, passed, and reprinted by the House, as  
 3 follows:  
 4 1. Page 1, lines 11 and 12, by striking <section  
 5 321.176A applies> and inserting <the vehicle is a  
 6 livestock vehicle>  
 7 2. By renumbering as necessary.

TOM RIELLY

**S-5392**

HOUSE AMENDMENT TO  
 SENATE AMENDMENT TO  
 HOUSE FILE 2526

- 1 Amend the Senate amendment, H-8568, to House File  
 2 2526, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, line 6, by striking <\$756,613> and  
 5 inserting <\$943,813>  
 6 2. Page 1, line 10, by striking <\$355,000> and  
 7 inserting <\$449,445>  
 8 3. Page 1, line 19, by striking <\$360,000> and  
 9 inserting <\$449,445>  
 10 4. Page 1, line 33, by striking <\$41,613> and  
 11 inserting <\$44,923>  
 12 5. Page 1, after line 34 by inserting:  
 13 <\_\_. Page 6, line 2, by striking <2,710,062> and  
 14 inserting <2,735,062>  
 15 \_\_. Page 6, line 11, by striking <\$304,885> and  
 16 inserting <\$329,885>>  
 17 6. Page 1, after line 36 by inserting:  
 18 <\_\_. Page 7, line 12, by striking <\$416,682> and  
 19 inserting <\$441,682>>  
 20 7. Page 1, line 36, by striking <3,572,313> and  
 21 inserting <3,597,313>  
 22 8. By striking page 2, line 50, through page 3,  
 23 line 6.  
 24 9. Page 3, line 26, after <modifications> by  
 25 inserting <, to be effective July 1, 2011,>  
 26 10. Page 3, line 39, by striking <section> and  
 27 inserting <subsection>  
 28 11. Page 4, line 16, by striking <\$211,721> and  
 29 inserting <\$47,158>  
 30 12. Page 4, line 19, by striking <11,345,207> and  
 31 inserting <11,295,207>  
 32 13. Page 4, by striking lines 25 through 34.  
 33 14. Page 4, by striking lines 41 through 45.  
 34 15. Page 4, after line 50 by inserting:



35 < \_\_. Page 55, line 15, after <plan,> by inserting  
 36 <a representative of an organization providing remedial  
 37 services that is also licensed as a community mental  
 38 health center for children and as a psychiatric medical  
 39 institution for children,>  
 40 \_\_. Page 60, by striking lines 2 through 4 and  
 41 inserting <maintenance rate and the maximum adoption  
 42 subsidy rate for>  
 43 \_\_. Page 60, line 9, by striking <\$18.87.> and  
 44 inserting <\$17.93. The maximum supervised apartment  
 45 living foster care rate and the preparation for adult  
 46 living program maintenance rate for children and young  
 47 adults ages 16 and older shall be \$18.87.>>  
 48 16. Page 6, by striking lines 1 through 8 and  
 49 inserting <be transferred to the appropriation  
 50 for medical assistance to be used to reduce the

Page 2

1 waiting lists for the medical assistance home and  
 2 community-based services waivers, and the remainder  
 3 shall be used for the purposes of continuing the  
 4 initiative in the fiscal year.>  
 5 17. Page 7, line 2, by striking <15,755,256> and  
 6 inserting <18,120,842>  
 7 18. Page 7, after line 32 by inserting:  
 8 < \_\_. Page 113, after line 17 by inserting:  
 9 <Sec. \_\_. Section 135N.5, subsection 1, Code 2009,  
 10 is amended to read as follows:  
 11 1. The committee shall meet ~~no less than four~~  
 12 ~~times per year~~ as often as deemed necessary and is  
 13 subject to chapters 21 and 22 relating to open meetings  
 14 and public records. To the maximum extent possible,  
 15 the committee shall coordinate meeting schedules and  
 16 staffing with the center for congenital and inherited  
 17 disorders advisory committee established by rule of the  
 18 department pursuant to chapter 136A. >>  
 19 19. Page 7, after line 32 by inserting:  
 20 < \_\_. Page 113, after line 17 by inserting:  
 21 <Sec. \_\_. Section 135N.3, subsection 2, Code 2009,  
 22 is amended to read as follows:  
 23 2. The committee shall review and make  
 24 recommendations to the ~~director~~ center for congenital  
 25 and inherited disorders advisory committee established  
 26 by rule of the department pursuant to chapter  
 27 136A concerning but not limited to the following: >>  
 28 20. Page 7, after line 32 by inserting:  
 29 < \_\_. Page 113, after line 17 by inserting:  
 30 <Sec. \_\_. Section 232.188, subsection 5, paragraph  
 31 b, unnumbered paragraph 1, Code 2009, is amended to  
 32 read as follows:  
 33 Notwithstanding section 8.33, moneys designated for

34 a project's decategorization services funding pool that  
 35 remain unencumbered or unobligated at the close of the  
 36 fiscal year shall not revert but shall remain available  
 37 for expenditure as directed by the project's governance  
 38 board for child welfare and juvenile justice systems  
 39 enhancements and other purposes of the project ~~until~~  
 40 ~~the close of the succeeding fiscal year and for the~~  
 41 next two succeeding fiscal years. Such moneys shall  
 42 be known as "carryover funding". Moneys may be made  
 43 available to a funding pool from one or more of the  
 44 following sources: >>  
 45 21. Page 7, line 37, by striking <,~~135N.6,~~> and  
 46 inserting <, 135N.6,>  
 47 22. By renumbering as necessary.

**S-5393**

HOUSE AMENDMENT TO  
 SENATE FILE 2383

1 Amend Senate File 2383, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 8, by striking lines 19 through 22 and  
 4 inserting <debt coordinator, on behalf of the state,  
 5 shall have a right to a lien against all monetary  
 6 claims arising from a civil action which the debtor may  
 7 file against a third party. A lien under this section  
 8 becomes effective once the state debt coordinator files  
 9 a notice of>  
 10 2. Page 10, lines 17 and 18, by striking <has  
 11 authority to file a satisfaction of the lien> and  
 12 inserting <shall file a satisfaction of the lien in the  
 13 civil action if the state debt coordinator, pursuant  
 14 to this subsection, settles any part of the debt  
 15 obligation owed the state.>  
 16 3. Page 11, line 5, by striking <The> and inserting  
 17 <Except as provided in subsection 7, the>  
 18 4. Page 11, after line 8 by inserting:  
 19 <7. An insurance company that makes a payment to  
 20 the debtor or the debtor's attorney in a civil action  
 21 that is subject to a lien under this section shall have  
 22 no further liability for the lien filed in the civil  
 23 action.>  
 24 5. Page 11, by striking lines 9 through 14 and  
 25 inserting:  
 26 <8. As used in this section, unless the context  
 27 otherwise requires:  
 28 a. "Insurance company" means an insurer organized or  
 29 operating under chapter 508, 514, 514B, 515, 518, 518A,  
 30 519, or 520, or authorized to do business in Iowa as an  
 31 insurer or an insurance producer under chapter 522B.  
 32 b. "Third party" means an individual, institution,

33 corporation, or public or private agency which is or  
34 may be liable to pay all or part of a debtor's monetary  
35 claim. "Third party" does not include a financial  
36 institution as defined in section 572.2.>  
37 6. Page 15, after line 31 by inserting:  
38 <Sec. \_\_. NEW SECTION. 421C.5 Future repeal.  
39 This chapter is repealed January 1, 2014. The  
40 general assembly shall consider corresponding  
41 amendments to the Code of Iowa to effectuate the repeal  
42 of this chapter.>  
43 7. Page 20, lines 16 and 17, by striking <case in  
44 which the debt accrued> and inserting <eligible debt>

### S-5394

1 Amend Senate File 2389 as follows:  
2 1. Page 19, by striking lines 15 and 16 and  
3 inserting <sections 18B.1 and 18B.2, as enacted in this  
4 Act:>  
5 2. Page 28, line 6, by striking <utilities such as>  
6 3. Page 28, line 8, after <facilities,> by  
7 inserting <and>  
8 4. Page 28, by striking lines 9 and 10 and  
9 inserting <telecommunications facilities. The  
10 comprehensive plan or land development>  
11 5. Page 47, line 21, by striking <business> and  
12 inserting <businesses>  
13 6. Page 56, after line 31 by inserting:  
14 <e. The office of the insurance division of the  
15 department of commerce.  
16 f. The agricultural development authority  
17 established in section 175.3.>  
18 7. Page 56, line 34, by striking <the>  
19 8. Page 56, line 35, after <fleet> by inserting  
20 <operations>  
21 9. Page 56, line 35, by striking <the>  
22 10. Page 57, line 1, after <fleet> by inserting  
23 <operations>  
24 11. Page 76, line 13, by striking <smartplanning>  
25 and inserting <smart planning>  
26 12. Page 79, by striking lines 6 and 7 and  
27 inserting <other obligations by the entity.>

MATT McCOY

**S-5395**

- 1 Amend Senate File 2389 as follows:  
 2 1. Page 20, after line 29 by inserting:  
 3 <A grant awarded for a project under this lettered  
 4 paragraph "a" shall not exceed more than forty percent  
 5 of the appropriation in this lettered paragraph.>  
 6 2. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.  
 MERLIN BARTZ

**S-5396**

- 1 Amend Senate File 2389 as follows:  
 2 1. Page 23, line 31, after <decisions> by inserting  
 3 <, except that nothing in this section shall be  
 4 construed to expand the eminent domain authority of a  
 5 state agency, local government, or other public entity  
 6 beyond that which is authorized under chapter 6A or 6B>  
 7 2. By striking page 40, line 28, through page 41,  
 8 line 12.

BILL HECKROTH

**S-5397**

HOUSE AMENDMENT TO  
 SENATE FILE 2379

- 1 Amend Senate File 2379, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 8, by striking lines 27 and 28 and  
 4 inserting:  
 5 <~~e. The person is not addicted to the use of~~  
 6 ~~alcohol or a controlled substance.~~>  
 7 2. Page 8, line 34, by striking <c.> and inserting  
 8 <b.>  
 9 3. Page 8, line 35, by striking <d.> and inserting  
 10 <c.>

**S-5398**

HOUSE AMENDMENT TO  
 SENATE FILE 2389

- 1 Amend Senate File 2389, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 13, line 22, by striking <July> and  
 4 inserting <April>  
 5 2. Page 17, line 13, by striking

- 6 <existingcourthouse> and inserting <existing  
7 courthouse>
- 8 3. Page 19, line 22, by striking <on a lake> and  
9 inserting <in a state park>
- 10 4. Page 22, after line 17 by inserting:  
11 <Sec. \_\_. EFFECTIVE UPON ENACTMENT. The section  
12 of this division of this Act enacting section 12.88A,  
13 being deemed of immediate importance, takes effect upon  
14 enactment.>
- 15 5. Page 56, after line 19 by inserting:  
16 <g. The department for the blind storage facility.>
- 17 6. Page 72, line 14, by striking <July> and  
18 inserting <April>
- 19 7. Page 75, by striking line 5 and inserting  
20 <fiscal year beginning July 1, 2009, ~~and ending June~~  
21 ~~30, 2010, and ending July 1, 2011.~~>
- 22 8. Page 75, after line 29 by inserting:  
23 <Sec. \_\_. Section 16.193, Code Supplement 2009, is  
24 amended by adding the following new subsection:  
25 **NEW SUBSECTION.** 3. a. During the term of the  
26 Iowa jobs program, the Iowa finance authority shall  
27 collect data on all of the projects approved for the  
28 program. The department of management and the state  
29 agencies associated with the projects shall assist the  
30 authority with the data collection and in developing  
31 the report required by this subsection. The authority  
32 shall report quarterly to the governor and the general  
33 assembly concerning the data.
- 34 b. The report shall include but is not limited to  
35 all of the following:
- 36 (1) The nature of each project and its purpose.  
37 (2) The status of each project and the amount and  
38 percentage of program funds expended for the project.  
39 (3) The outside funding that is matched or  
40 leveraged by the program funds.  
41 (4) The number of jobs created or retained by each  
42 project.  
43 (5) For each project, the names of the project  
44 contractors, state of residence of the project  
45 contractors, and the state of residence of the  
46 contractors' employees.
- 47 c. The authority shall maintain an internet site  
48 that allows citizens to track project data on a  
49 county-by-county basis.>
- 50 9. Page 75, line 34, after <prevention> by

Page 2

1 inserting <including but not limited to the  
2 construction of, or the replacement or reconstruction  
3 of, local public buildings in a manner that mitigates  
4 damages from future disasters, including flooding>  
5 10. Page 76, line 28, after <prevention> by  
6 inserting <consistent with the purposes of the program  
7 as specified in subsection 1>  
8 11. Page 80, after line 18 by inserting:  
9 <Sec. \_\_. EFFECTIVE DATES AND APPLICABILITY.  
10 1. The section of this division of this Act  
11 amending section 12.87, being deemed of immediate  
12 importance, takes effect upon enactment.  
13 2. The section of this division of this Act  
14 enacting section 16.193, subsection 3, being deemed of  
15 immediate importance, takes effect upon enactment, and  
16 applies to projects approved on, before, and after the  
17 effective date of the section.>  
18 12. By renumbering as necessary.

**S-5399**

HOUSE AMENDMENT TO  
SENATE AMENDMENT TO  
HOUSE FILE 2531

1 Amend the Senate amendment, H-8640 to House File  
2 2531, as amended, passed, and reprinted by the House,  
3 as follows:  
4 <1. Page 1, after line 2 by inserting:  
5 <\_\_. Page 3, line 20, by striking  
6 <Notwithstanding> and inserting:  
7 1. Notwithstanding>  
8 \_\_. Page 3, line 27, by striking <2,494,057,875>  
9 and inserting <2,499,157,875>  
10 \_\_. Page 3, after line 27 by inserting:  
11 <2. There is appropriated from the Iowa  
12 comprehensive petroleum underground storage tank fund  
13 for state foundation aid for the fiscal year beginning  
14 July 1, 2010, and ending June 30, 2011, the following  
15 amount, or so much thereof as is necessary to be used  
16 for the purposes designated:  
17 In lieu of an equal amount appropriated from the  
18 general fund for state foundation aid under section  
19 257.16, subsection 1, as limited by subsection 1  
20 of this section, notwithstanding section 455G.3,  
21 subsection 1:  
22 ..... \$ 5,100,000>  
23 \_\_. Page 3, line 28, by striking <1.> and  
24 inserting <3. a.>  
25 \_\_. Page 4, line 1, by striking <2.> and inserting

26 <b.>

27 \_\_\_\_\_. Page 4, by striking line 2 and inserting  
28 <subsection 1, after the allocation made in paragraph  
29 “a” is>>

30 2. Page 1, after line 22 by inserting:

31 <\_\_\_\_. Page 6, after line 8 by inserting:

32 <Sec. \_\_\_\_\_. FEDERAL RECOVERY AND REINVESTMENT FUND —  
33 ADDITIONAL FUNDING FOR FISCAL YEAR 2010–2011.

34 1. In lieu of 2010 Iowa Acts, House File 2519,  
35 section 19, if additional funding designated for  
36 education stabilization is made available for the  
37 fiscal year beginning July 1, 2010, through the state  
38 fiscal stabilization fund established pursuant to the  
39 federal American Recovery and Reinvestment Act of 2009,  
40 Pub. L. No. 111–5, such funding shall be credited to  
41 the federal recovery and reinvestment fund created in  
42 section 8.41A and is appropriated for the fiscal year  
43 beginning July 1, 2010, and ending June 30, 2011, to  
44 the departments and agencies that received the funding  
45 designated for education stabilization in 2009 Iowa  
46 Acts, chapter 183, section 61, subsection 1.

47 2. a. Except as otherwise provided in paragraph  
48 “b”, the amounts of the individual appropriations made  
49 in subsection 1 shall be in the same proportion as the  
50 individual appropriations in 2009 Iowa Acts, chapter

Page 2

1 183, section 61, subsection 1, bear to the total amount  
2 appropriated in that provision.

3 b. (1) The amount appropriated pursuant to  
4 subsection 1 for state foundation aid to schools shall  
5 not exceed the difference between the amount determined  
6 for the standing appropriation for state foundation  
7 aid for the fiscal year pursuant to section 257.16,  
8 subsection 1, and the amount the standing appropriation  
9 was limited to pursuant to this division of this Act.

10 (2) The amount appropriated for the fiscal year  
11 pursuant to subsection 1 for instructional support  
12 state aid under section 257.20 shall not exceed  
13 \$5,609,950, shall be in addition to the appropriation  
14 made in this division of this Act for the same purpose  
15 from the school infrastructure fund, and shall be  
16 allocated as provided in the school infrastructure fund  
17 appropriation.

18 3. a. Except as provided in subsection 2 for  
19 instructional support state aid, the distribution of  
20 each appropriation made pursuant to subsection 1 to  
21 subunits of the departments and agencies shall also be  
22 in the same proportion as the distribution to subunits  
23 of the individual appropriations in 2009 Iowa Acts,  
24 chapter 183, section 61, subsection 1. However, state

25 foundation aid to school districts shall be distributed  
 26 based on 2010 Iowa Acts, House File 2519, section 20,  
 27 subsection 1.

28 b. If good cause exists, as determined by  
 29 the departments of education and management, in  
 30 coordination with the office of the governor,  
 31 adjustments may be made to distribution proportions to  
 32 the subunits other than as provided in paragraph "a".

33 4. The department of management shall report to the  
 34 chairpersons and ranking members of the appropriations  
 35 committees of the senate and house of representatives  
 36 and the legislative services agency concerning any  
 37 appropriations and distributions made pursuant to this  
 38 section, within two weeks of such appropriations and  
 39 distributions being made. >>

40 3. Page 1, after line 42 by inserting:

41 <\_\_. Page 16, after line 29 by inserting:

42 <Sec. \_\_. Section 16.181A, subsection 1, as  
 43 enacted by 2010 Iowa Acts, Senate File 2389, is amended  
 44 to read as follows:

45 1. There is appropriated from the rebuild Iowa  
 46 infrastructure fund to the Iowa finance authority for  
 47 deposit in the housing trust fund created in section  
 48 16.181, for the fiscal year beginning July 1, 2009, and  
 49 ~~ending~~ beginning July 1, 2011, and for each succeeding  
 50 fiscal year, the sum of three million dollars.>

Page 3

1 \_\_. Page 21, after line 14 by inserting:

2 <Sec. \_\_. Section 421C.2, subsection 8, paragraph  
 3 b, if enacted by 2010 Iowa Acts, Senate File 2383, is  
 4 amended to read as follows:

5 b. "Third party" means an individual, institution,  
 6 corporation, or public or private agency which is or  
 7 may be liable to pay all or part of a debtor's monetary  
 8 claim. "Third party" does not include a financial  
 9 institution as defined in section ~~572.2~~ 527.2. >>

10 4. Page 2, by striking lines 36 through 38.

11 5. Page 6, after line 44 by inserting:

12 <\_\_. Page 31, after line 23 by inserting:

13 <Sec. \_\_. IOWA PHARMACY RECOVERY NETWORK. The  
 14 board of pharmacy may use fees retained by the board  
 15 pursuant to the authority granted in section 147.82  
 16 for purposes of supporting the Iowa pharmacy recovery  
 17 network. >>

18 6. Page 8, after line 9 by inserting:

19 <\_\_. Page 35, after line 22 by inserting:

20 <Sec. \_\_. Section 469.9, Code Supplement 2009, is  
 21 amended by adding the following new subsection:

22 NEW SUBSECTION. 4A. a. During the period of  
 23 funding for the Iowa power fund as provided in section



24 469.10, the office of energy independence shall collect  
 25 data on all grants and loans approved for funding.  
 26 The department of management and the state agencies  
 27 associated with the grants and loans shall assist the  
 28 office with the data collection and in developing  
 29 the report required by this subsection. The office  
 30 shall report quarterly to the governor and the general  
 31 assembly concerning the data.

32 b. The report shall include but is not limited to  
 33 all of the following:

34 (1) The nature of each grant or loan and its  
 35 purpose.

36 (2) The status of each grant or loan and the amount  
 37 and percentage of power fund moneys expended for the  
 38 grant or loan.

39 (3) The outside funding that is matched or  
 40 leveraged by power fund moneys.

41 (4) The number of jobs created or retained due to  
 42 each grant or loan.

43 (5) For each grant or loan, the names of the grant  
 44 or loan contractors, their state of residence, and the  
 45 state of residence of the contractors' employees.

46 c. The office shall maintain an internet site that  
 47 allows citizens to track data on a county-by-county  
 48 basis. >>

49 7. Page 9, after line 47 by inserting:

50 <\_\_. Page 40, after line 29 by inserting:

Page 4

1 <Sec. \_\_. Section 256.9, Code Supplement 2009, is  
 2 amended by adding the following new subsection:  
 3 NEW SUBSECTION. 18A. The department shall compile  
 4 the financial information related to chapters 423E  
 5 and 423F from the certified annual reports of each  
 6 school district received pursuant to section 291.10,  
 7 subsection 2, and shall submit the information to the  
 8 general assembly in an annual report each February 1.

9 Sec. \_\_. Section 291.10, Code 2009, is amended to  
 10 read as follows:

11 291.10 Reports by secretary.

12 1. The school district shall file an annual report  
 13 with the director of the department of education on  
 14 forms prepared for that purpose.

15 2. The annual report shall include the financial  
 16 information required in section 423F.5, subsection 1,  
 17 as related to moneys received under chapter 423E or  
 18 423F, as applicable, for each budget year. >>

19 8. By striking page 10, line 24, through page 11,  
 20 line 16.

21 9. Page 20, by striking lines 35 through 39.

22 10. Page 20, after line 39 by inserting:

23 <\_\_. Page 42, after line 25 by inserting:  
24 <Sec. \_\_. EFFECTIVE DATE AND APPLICABILITY. The  
25 section of this division of this Act enacting section  
26 469.9, subsection 4A, being deemed of immediate  
27 importance, takes effect upon enactment, and applies  
28 to grants or loans approved on, before, and after the  
29 effective date of the section. >>  
30 11. By striking page 24, line 46, through page 32,  
31 line 23.  
32 12. By striking page 32, line 24, through page 33,  
33 line 39.  
34 13. By renumbering, redesignating, and correcting  
35 internal references as necessary.

# RESOLUTIONS ADOPTED

## EIGHTY-THIRD GENERAL ASSEMBLY 2010 REGULAR SESSION

### SENATE JOINT RESOLUTIONS

**SENATE JOINT RESOLUTION 2002:** filed January 26, 2010; adopted by the Senate on February 23, 2010; printed on Senate Journal page 529.

**SENATE JOINT RESOLUTION 2007:** filed February 11, 2010; adopted by the Senate on February 22, 2010; printed in Senate Journal page 505; amended and adopted by the House on March 10, 2010; adopted by the Senate on March 16, 2010; printed on Senate Journal page 503.

**SENATE JOINT RESOLUTION 2008:** filed February 11, 2010; adopted by the Senate on February 17, 2010; printed on Senate Journal page 457.

**SENATE JOINT RESOLUTION 2009:** filed March 22, 2010; adopted by the Senate on March 23, 2010; printed on Senate Journal page 951.

### SENATE CONCURRENT RESOLUTION

**Senate Concurrent Resolution 101:** filed January 13, 2010; adopted by the Senate on January 13, 2010; adopted by the House on January 14, 2010.

#### SENATE CONCURRENT RESOLUTION 101

By: Committee on Rules and Administration

- 1 A concurrent resolution amending the joint rules of
- 2 the Senate and House of Representatives relating to
- 3 session timetable changes.
- 4 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
- 5 REPRESENTATIVES CONCURRING, That Rule 20, subsections
- 6 2 and 3, of the Joint Rules of the Senate and House
- 7 of Representatives, as adopted by the Senate and
- 8 House of Representatives during the 2009 Session in
- 9 House Concurrent Resolution 3, are amended to read as
- 10 follows:
- 11 2. To be placed on the calendar in the house of

12 origin, a bill must be first reported out of a standing  
 13 committee by Friday of the 9th week of the first  
 14 session and the ~~8th~~ 5th week of the second session. To  
 15 be placed on the calendar in the other house, a bill  
 16 must be first reported out of a standing committee by  
 17 Friday of the 13th week of the first session and the  
 18 ~~14th~~ 8th week of the second session.

19 3. During the 11th week of the first session ~~and~~  
 20 ~~the 9th week of the second session~~, each house shall  
 21 consider only bills originating in that house and  
 22 unfinished business. During the 14th week of the  
 23 first session ~~and the 12th week of the second session~~,  
 24 each house shall consider only bills originating in  
 25 the other house and unfinished business. Beginning  
 26 with the 15th week of the first session and the  
 27 ~~13th~~ 10th week of the second session, each house shall

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- 1 consider only bills passed by both houses, bills exempt
- 2 from subsection 2, and unfinished business.

## SENATE RESOLUTIONS

**Senate Resolution 103:** filed January 13, 2010; adopted by the Senate on January 13, 2010.

### SENATE RESOLUTION 103

By: Committee on Rules and Administration

1 A resolution amending the permanent rules of the Senate  
 2 relating to the deadline for requesting the drafting  
 3 of bills by members and session timetable changes.  
 4 BE IT RESOLVED BY THE SENATE, That Rule 27,  
 5 unnumbered paragraph 1, of the Rules of the Senate, as  
 6 adopted by the Senate during the 2009 Session in Senate  
 7 Resolution 8, is amended to read as follows:  
 8 No bill or joint resolution, except bills and  
 9 joint resolutions cosponsored by the majority and  
 10 minority floor leaders, or companion bills and joint  
 11 resolutions sponsored by the majority floor leaders of  
 12 both houses, shall be introduced in the senate after  
 13 4:30 p.m. on Friday of the sixth week of the first  
 14 regular session of a general assembly unless a formal  
 15 request for drafting the bill has been filed with the  
 16 legislative services agency before that time. After  
 17 adjournment of the first regular session, bills may  
 18 be prefiled at any time before the convening of the  
 19 second regular session. No bill shall be introduced  
 20 after 4:30 p.m. on Friday of the ~~second~~ first week of  
 21 the second regular session of a general assembly unless  
 22 a formal request for drafting the bill has been filed

23 with the legislative services agency before that time.  
 24 However, standing committees may introduce bills and  
 25 joint resolutions at any time. A bill which relates  
 26 to departmental rules sponsored by the administrative  
 27 rules review committee and approved by a majority  
 28 of the members of the committee in each house may

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1 be introduced at any time and must be referred to a  
 2 standing committee which must take action on the bill  
 3 within three weeks. Senate and concurrent resolutions  
 4 may be introduced at any time.

5 BE IT FURTHER RESOLVED BY THE SENATE, That Rule 60,  
 6 subsections 2 and 3, of the Rules of the Senate, as  
 7 adopted by the Senate during the 2009 Session in Senate  
 8 Resolution 8, are amended to read as follows:

9 2. To be placed on the calendar in the senate a  
 10 senate bill must be first reported out of a standing  
 11 committee by Friday of the 9th week of the first  
 12 session and the ~~8th~~ 5th week of the second session. A  
 13 house bill must be first reported out of a standing  
 14 committee by Friday of the 13th week of the first  
 15 session and the ~~11th~~ 8th week of the second session to  
 16 be placed on the senate calendar.

17 3. During the 11th week of the first session ~~and~~  
~~the 9th week of the second session~~, the senate shall  
 18 consider only bills originating in the senate and  
 19 unfinished business. During the 14th week of the first  
 20 session ~~and the 12th week of the second session~~, the  
 21 senate shall consider only bills originating in the  
 22 house and unfinished business. Beginning with the 15th  
 23 week of the first session and the ~~13th~~ 10th week of the  
 24 second session, the senate shall consider only bills  
 25 passed by both houses, bills exempt from subsection 2  
 26 and unfinished business.

**Senate Resolution 104:** filed February 10, 2010; adopted by the  
 Senate on February 17, 2010.

#### SENATE RESOLUTION 104

By: Beall, Black, Boettger, Fraise, and Seymour

1 A resolution to honor the historical, political,  
 2 cultural, social, and economic relationship among  
 3 Canada, the United States, and Iowa and recognizing  
 4 February 17, 2010, as Canada Day at the Statehouse.  
 5 WHEREAS, Canada and the United States share not  
 6 only a 5,500-mile border, which is the world's longest  
 7 secure border, but also a common history, heritage,  
 8 and destiny based on shared ideals and democratic  
 9 principles; and  
 10 WHEREAS, relations between Canada and the United

11 States span more than two centuries, and the two  
 12 countries have developed one of the most successful  
 13 international relationships in the modern world; and  
 14 WHEREAS, for over 100 years Canada and the United  
 15 States have stood together as allies and defense  
 16 partners, fighting tyranny and terrorism in a  
 17 partnership that remains resolute even today; and  
 18 WHEREAS, the United States is Canada's largest  
 19 export market, with the United States importing \$343  
 20 billion in goods from Canada while exporting \$262  
 21 billion in goods to Canada; and  
 22 WHEREAS, the relationship between Canada and Iowa is  
 23 equally strong, combining a complex and growing network  
 24 of social, economic, and even familial ties; and  
 25 WHEREAS, it is estimated that 78,000 jobs in Iowa  
 26 are supported by Canada-United States trade; and  
 27 WHEREAS, Canada is Iowa's top export market, with  
 28 Iowa exports to Canada valued at \$3.5 billion and Iowa

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1 imports from Canada valued at \$4.2 billion; and  
 2 WHEREAS, Iowa exports to Canada include steel  
 3 products, oilseed cake and meal, organic chemicals,  
 4 air conditioning and refrigeration units, and  
 5 tractors, while Iowa imports include natural gas, oils,  
 6 fertilizers, live animals, and steel products; NOW  
 7 THEREFORE,  
 8 BE IT RESOLVED BY THE SENATE, That the Senate  
 9 honors the relationships between the peoples and the  
 10 governments of Canada, the United States, and Iowa,  
 11 allies in war, friends and neighbors in peace, and  
 12 partners in economic prosperity; and  
 13 BE IT FURTHER RESOLVED, That in honor of our strong  
 14 and growing relationship, the Senate recognizes  
 15 February 17, 2010, as Canada Day at the Iowa  
 16 Statehouse.

**Senate Resolution 106:** filed March 2, 2010; adopted by the  
 Senate on March 11, 2010.

SENATE RESOLUTION 106

By: Wilhelm and Reynolds

1 A resolution designating March 2010 as Iowa Women's  
 2 History Month.  
 3 WHEREAS, Iowa women of every race, class, and  
 4 ethnic background have made historic contributions  
 5 to the growth and strength of our state and nation  
 6 in countless recorded and unrecorded ways, including  
 7 through the struggle for women's rights; and  
 8 WHEREAS, Iowa women have played and continue to  
 9 play a critical economic, cultural, and social role

10 by constituting a significant portion of the labor  
 11 force working inside and outside the home despite being  
 12 underpaid; and  
 13 WHEREAS, Iowa women were particularly important in  
 14 the establishment of early charitable, philanthropic,  
 15 and cultural institutions in our state and nation; and  
 16 WHEREAS, Iowa women and men ratified the amendment  
 17 to the Iowa Constitution, declaring that “All men and  
 18 women are, by nature, free and equal, and have certain  
 19 inalienable rights”; and  
 20 WHEREAS, Iowa women have been leaders in the  
 21 abolitionist movement, the emancipation movement, the  
 22 industrial labor movement, the civil rights movement,  
 23 the peace movement, and the women’s suffrage movement,  
 24 which created a more fair and just society for all  
 25 people; and  
 26 WHEREAS, despite these contributions, and those  
 27 of women throughout the world, the role of women  
 28 has been consistently overlooked and undervalued in

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1 the literature, teaching, and study of history; NOW  
 2 THEREFORE,  
 3 BE IT RESOLVED BY THE SENATE, That the Senate  
 4 designates the month of March 2010 as Iowa Women’s  
 5 History Month and invites the citizens of Iowa to  
 6 continue to uncover, recognize, and honor the roles  
 7 women have played throughout history.

**Senate Resolution 107:** filed March 9, 2010; adopted by the  
 Senate on March 23, 2010.

SENATE RESOLUTION 107

By: Black

1 A resolution supporting the Republic of China on Taiwan  
 2 as a part of the global community.  
 3 WHEREAS, the Republic of China (Taiwan) has achieved  
 4 economic and social stability and in the last two  
 5 decades has been lauded as a beacon of democracy for  
 6 Asia, has dramatically improved its record on human  
 7 rights, and has taken great steps forward to enter the  
 8 world arena as a trusted partner; and  
 9 WHEREAS, Taiwan’s absence from international  
 10 organizations dealing with climate change has impeded  
 11 Taiwan’s ability to respond to natural disasters like  
 12 Typhoon Morakot, which struck Taiwan in the summer  
 13 of 2009, an unusually destructive typhoon season in  
 14 the Pacific that was possibly exacerbated by climate  
 15 change, and in turn, the global initiative to tackle  
 16 climate change has been impaired by the lack of  
 17 participation of Taiwan, the world’s 17th largest

18 economy; and

19 WHEREAS, the Taiwan government is grateful for  
20 the assistance and condolences of the international  
21 community in the wake of Typhoon Morakot in 2009, as  
22 dozens of international organizations and nations  
23 stepped up to help, including the United States, which  
24 supplied military equipment for rescue and recovery  
25 operations, the European Union, Japan, and the Chinese  
26 mainland; and

27 WHEREAS, aviation safety has become a major global  
28 concern since 2001, and Taiwan is a key air transport

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1 hub in the Asia-Pacific region, with over 1.35 million  
2 flights passing through the Taipei Flight Information  
3 Region, and with the world's 15th-largest airport by  
4 cargo volume, Taoyuan International Airport; and  
5 WHEREAS, the Taiwan government has undertaken a  
6 policy of "flexible diplomacy" in its international  
7 relations and a pragmatic approach to China, having  
8 completed a number of cross-strait liberalization  
9 measures, including regular, direct passenger  
10 flights between mainland China and Taiwan and other  
11 goodwill measures, resulting in reciprocal gestures  
12 and rapprochement between Taipei and Beijing; NOW  
13 THEREFORE,

14 BE IT RESOLVED BY THE SENATE, That the Iowa Senate  
15 affirms its support for the participation of Taiwan  
16 in the United Nations Framework Convention on Climate  
17 Change (UNFCCC) and the International Civil Aviation  
18 Organization (ICAO) to increase Taiwan's international  
19 space and contribution to the global community; and

20 BE IT FURTHER RESOLVED, That the Secretary of  
21 the Senate is hereby directed to send a copy of this  
22 Resolution to Hillary Clinton, Secretary of State of  
23 the United States; Executive Secretary Yvo de Boer of  
24 the UNFCCC; Secretary General Raymond Benjamin of the  
25 ICAO; and the Taipei Economic and Cultural Office in  
26 Chicago, Illinois.

**Senate Resolution 108:** filed March 10, 2010; adopted by the  
Senate on March 10, 2010.

#### SENATE RESOLUTION 108

By: Dvorsky and Bolkcom

1 A resolution to celebrate the highlights for the 2009  
2 football season of the University of Iowa football  
3 team.  
4 WHEREAS, the 2009 University of Iowa football team  
5 will be remembered as one of the most entertaining,  
6 talented, and successful teams in Hawkeye history; and



7 WHEREAS, the 11 wins equals the program's 2002  
8 record for victories in a season; and  
9 WHEREAS, the regular season win total of 10 was  
10 achieved for only the fourth time; and  
11 WHEREAS, for the first time ever, the Hawkeyes won  
12 the first nine games of a season; and  
13 WHEREAS, Iowa played in a January bowl game for the  
14 sixth time in eight years; and  
15 WHEREAS, Iowa won a Bowl Championship Series-caliber  
16 bowl game for the first time since 1959 in beating  
17 Georgia Tech in the 2010 FedEx Orange Bowl 24-14; and  
18 WHEREAS, the Hawkeyes finished the 2009 season  
19 with an 11-2 overall record and a 6-2 Big Ten mark,  
20 finishing in a second place tie; and  
21 WHEREAS, the Hawkeyes have won at least nine games  
22 for the fifth time in the last eight years and for the  
23 seventh time in school history have won 10 games or  
24 more; and  
25 WHEREAS, the Hawkeyes were ranked seventh in both  
26 major polls at the conclusion of the season, the  
27 highest final ranking for the program since 1960; and  
28 WHEREAS, defensive end Adrian Clayborn was named

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1 Most Valuable Player of the FedEx Orange Bowl; and  
2 WHEREAS, Coach Kirk Ferentz was named Big Ten Coach  
3 of the Year for the third time; and  
4 WHEREAS, offensive tackle Bryan Bulaga was picked as  
5 the Big Ten's Offensive Lineman of the Year; and  
6 WHEREAS, All-Big Ten first teamers included Bryan  
7 Bulaga (OL), Dace Richardson (OL), Tony Moeaki (TE),  
8 Adrian Clayborn (DE), Pat Angerer (LB), Tyler Sash  
9 (DB), and Amari Spivey (DB), and five additional  
10 Hawkeyes were named to the league's second unit; and  
11 WHEREAS, Bryan Bulaga and Pat Angerer were named  
12 first-team all-Americans, Tyler Sash was a second team  
13 choice, and Adrian Clayborn made the third team; and  
14 WHEREAS, the Iowa Hawkeyes have earned 70 wins  
15 since the start of the 2002 season, which places them  
16 at a tie for the 16th highest total in Division I  
17 football; and  
18 WHEREAS, Iowa's football record in the 2000 decade  
19 was 80-45 (.640), a record that ranks as the best  
20 decade in Iowa football history, based on total  
21 wins; NOW THEREFORE,  
22 BE IT RESOLVED BY THE SENATE, That the Senate  
23 congratulates the University of Iowa football team for  
24 a stellar season and looks forward to a great season  
25 in 2010.

**Senate Resolution 111:** filed March 19, 2010; adopted by the Senate on March 24, 2010.

SENATE RESOLUTION 111

By: Committee on Rules and Administration

1 A resolution to honor Senator Ron Wieck on his  
 2 retirement from the Iowa Senate.  
 3 WHEREAS, Senator Ron Wieck was elected to the  
 4 Senate in 2002, and in his first year served as Vice  
 5 Chair of the Commerce Committee and as a member of the  
 6 Committees on Business and Labor Relations, Natural  
 7 Resources and Environment, Local Government, and  
 8 Government Oversight; and  
 9 WHEREAS, in his two terms in the Senate, Senator  
 10 Wieck served as Senate Minority Leader and as an  
 11 Assistant Minority Leader; and  
 12 WHEREAS, in addition to his leadership role, Senator  
 13 Wieck provided service as Co-chair of the Committee  
 14 on Business and Labor Relations, Chair and Ranking  
 15 Member on the Government Oversight, Ranking Member  
 16 on the Committee on Commerce, and as a member on  
 17 the Committees on Economic Growth, Ethics, Rules and  
 18 Administration, State Government, Veterans Affairs,  
 19 and Ways and Means, and the Education Appropriations  
 20 Subcommittee; and  
 21 WHEREAS, as a member of the Committee on Government  
 22 Oversight, Senator Wieck provided leadership with  
 23 sharp and insightful questioning during the CIETC  
 24 investigation; NOW THEREFORE,  
 25 BE IT RESOLVED BY THE SENATE, That the Senate thanks  
 26 Senator Ron Wieck for his eight years of service in the  
 27 Senate and wishes him the best of luck in the years to  
 28 come; and

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1 BE IT FURTHER RESOLVED, That the Secretary of the  
 2 Senate is directed to prepare an official copy of this  
 3 Resolution for presentation to Senator Wieck.

**Senate Resolution 112:** filed March 19, 2010; adopted by the Senate on March 24, 2010.

SENATE RESOLUTION 112

By: Committee on Rules and Administration

1 A resolution to thank Senator Roger Stewart for his  
 2 eight years of service in the Iowa Senate and to the  
 3 people of Iowa.  
 4 WHEREAS, in 2002 Senator Roger Stewart was first  
 5 elected to the Senate, representing Senate District 13,  
 6 including the cities of Clinton, Maquoketa, Bellevue,

7 and Preston; and  
8 WHEREAS, in his first year Senator Stewart served  
9 on the Committees on Commerce, Economic Growth, Local  
10 Government, Ways and Means, and on the Administration  
11 and Regulation Appropriations Subcommittee; and  
12 WHEREAS, Senator Stewart also has served as the  
13 Chair of the Economic Growth Committee, Co-chair of  
14 the Administration and Regulation Appropriations  
15 Subcommittee, and as a member of the Environment and  
16 Energy Independence Committee and the Rebuild Iowa  
17 Committee; and  
18 WHEREAS, Senator Stewart was especially active  
19 in legislation relating to economic development and  
20 commerce; NOW THEREFORE,  
21 BE IT RESOLVED BY THE SENATE, That the Senate thanks  
22 Senator Stewart for his two terms of public service in  
23 the Senate; and  
24 BE IT FURTHER RESOLVED, That the Secretary of the  
25 Senate is directed to prepare an official copy of this  
26 Resolution for presentation to Senator Stewart.

**Senate Resolution 113:** filed March 22, 2010; adopted by the Senate on March 23, 2010.

SENATE RESOLUTION 113

By: Quirmbach

1 A resolution honoring David K. Rehbein, National  
2 Commander of the American Legion, for his national  
3 service.  
4 WHEREAS, David K. Rehbein has just completed a  
5 year of service as the National Commander of the 2.7  
6 million-member American Legion, the nation's largest  
7 veterans service organization; and  
8 WHEREAS, Mr. Rehbein is a United States Army  
9 veteran, who served as an infantryman with the 4th and  
10 1st Armored Divisions in Germany from 1970 to 1971,  
11 attaining the rank of E-5; and  
12 WHEREAS, following his military service Mr. Rehbein  
13 came to Iowa to complete his education at Iowa State  
14 University, earning a Bachelor of Science degree in  
15 physics in 1977 and a Master of Science degree in  
16 metallurgy in 1979; and  
17 WHEREAS, Mr. Rehbein then made Ames his home,  
18 working as a research metallurgist at the Ames  
19 Laboratory, United States Department of Energy, where  
20 he remained until his retirement in July 2008; and  
21 WHEREAS, in 1976, while still a student, Mr. Rehbein  
22 joined Post #37 of the American Legion in Ames,  
23 beginning a 33-year association that would take him to  
24 the Legion's highest office; and  
25 WHEREAS, Mr. Rehbein served as a Post Commander, a

26 Vice-Commander, Adjutant, the 6th District Commander,  
 27 the State Vice-Commander, and a member of the National  
 28 Executive Committee; and

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1 WHEREAS, as National Commander of the American  
 2 Legion in 2008 and 2009, Mr. Rehbein traveled to  
 3 47 states, three United States territories, and 10  
 4 foreign countries, often accompanied by his wife Ann,  
 5 working tirelessly on behalf of America's soldiers and  
 6 veterans; NOW THEREFORE,  
 7 BE IT RESOLVED BY THE SENATE, That the Senate honors  
 8 the distinguished career of David K. Rehbein —  
 9 soldier, scientist, and National Commander of the  
 10 American Legion — and thanks him for over 40 years of  
 11 service to the nation and this state, and to the men  
 12 and women who wear and have worn the uniform of our  
 13 armed forces.

**Senate Resolution 114:** filed March 23, 2010; adopted by the  
 Senate on March 25, 2010.

#### SENATE RESOLUTION 114

By Committee on Rules and Administration

1 A resolution to thank Senator Steve Warnstadt, on the  
 2 occasion of his retirement from the Iowa Senate, for  
 3 sixteen years of legislative service.  
 4 WHEREAS, in 2002 Senator Steve Warnstadt was elected  
 5 to the Senate after serving four terms in the House of  
 6 Representatives, and in his first year in the Senate  
 7 served as Ranking Member of the Commerce Committee  
 8 and as a member of the Committees on Appropriations  
 9 and Transportation, and on the Transportation,  
 10 Infrastructure, and Capitals Appropriations  
 11 Subcommittee; and  
 12 WHEREAS, over the past eight years, Senator  
 13 Warnstadt also has served as the Chair of the  
 14 Commerce Committee, Co-chair of the Transportation,  
 15 Infrastructure, and Capitals Appropriations  
 16 Subcommittee, Vice Chair of the Veterans Affairs  
 17 Committee, and member of the Appropriations,  
 18 Transportation, and Judiciary Committees; and  
 19 WHEREAS, himself a veteran, Senator Warnstadt has  
 20 championed the rights of veterans, active duty service  
 21 members, and their families; NOW THEREFORE,  
 22 BE IT RESOLVED BY THE SENATE, That the Senate thanks  
 23 Senator Warnstadt for his service in the Senate and in  
 24 the House of Representatives; and  
 25 BE IT FURTHER RESOLVED, That the Secretary of the  
 26 Senate is directed to prepare an official copy of this  
 27 Resolution for presentation to Senator Warnstadt.

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**FRAISE, GENE** — Senator, 46th District; Democrat

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**HAMERLINCK, SHAWN** — Senator, 42nd District; Republican

- Amendments filed — 69, 71, 107, 213, 218, 220, 435, 470, 501, 526, 637, 740, 837, 838, 849, 850, 852, 853, 864, 878, 887, 897, 908, 922, 1003, 1005, 1008
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**HARTSUCH, DAVID** — Senator, 41st District; Republican

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**HATCH, JACK** — Senator, 33rd District; Assistant Majority Leader, Democrat

Amendments filed — 217, 219, 606, 837, 887, 908, 922, 1002, 1005, 1008, 1011, 1012

Amendments offered — 217, 219, 608, 609, 954, 1002, 1005, 1011, 1012

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**HECKROTH, BILL** — Senator, 9th District; Assistant Majority Leader, Democrat

Amendments filed — 386, 410, 450, 470, 569, 636, 931, 963, 1001, 1015, 1050

Amendments offered — 386, 488, 491, 492, 509, 931, 1001, 1015, 1050

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**HOGG, ROB** — Senator, 19th District; Democrat

Amendments filed — 450, 470, 501, 557, 578, 595, 695, 732, 733, 786, 878, 888, 937, 1001, 1006, 1016

Amendments offered — 473, 595, 729, 732, 794, 846, 891, 894, 1001, 1006, 1016

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**HORN, WALLY E.** — Senator, 17th District; Democrat

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**JOHNSON, DAVID** — Senator, 3rd District; Assistant Minority Leader, Republican

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- Amendments filed — 71, 128, 214, 218, 220, 435, 548, 740, 837, 838, 849, 850, 852, 853, 878, 897, 922, 963, 1003, 1005, 1008, 1016
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