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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, JANUARY 25, 2011**

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# JOURNAL OF THE SENATE

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SIXTEENTH CALENDAR DAY  
TENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, January 25, 2011

The Senate met in regular session at 9:03 a.m., President Kibbie presiding.

Prayer was offered by Pastor Tom Nesbitt of the Cornerstone Church in Ames, Iowa. He was the guest of Senator Bacon.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Ethan Fredrick.

The Journal of Monday, January 24, 2011, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Kettering, until he arrives, on request of Senator Johnson.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 9:08 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 NATURAL RESOURCES**

Household Hazardous Materials Program Reports, pursuant to Iowa Code sections 455E.11(2)(c) and 455F.8. Reports received on January 24, 2011.

**CERTIFICATES OF RECOGNITION**

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

Betty Boyken, Waterloo—For celebrating her 80<sup>th</sup> birthday. Senator Dotzler (1/25/11).

Dale and Margaret Buck, Waterloo—For celebrating their 65<sup>th</sup> wedding anniversary. Senator Dotzler (1/25/11).

Kay Cunningham—For celebrating her 95<sup>th</sup> birthday. Senator Dotzler (1/25/11).

Cody Drilling, Waterloo—For achieving the rank of Eagle Scout, Troop 116. Senator Dotzler (1/25/11).

Bill and Corrie Droppert—For celebrating their 60<sup>th</sup> wedding anniversary. Senator Dotzler (1/25/11).

John and Diane Gruman, Waterloo—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Dotzler (1/25/11).

Pearl Mound, Keota—For celebrating her 100<sup>th</sup> birthday. Senator Greiner (1/25/11).

LaVerne Rizner, Waterloo—For celebrating her 80<sup>th</sup> birthday. Senator Dotzler (1/25/11).

Mary Jane Staebell—For celebrating her 85<sup>th</sup> birthday. Senator Dotzler (1/25/11).

Hilda Wagner, Sigourney—For celebrating her 100<sup>th</sup> birthday. Senator Rielly (1/25/11).

## REPORTS OF COMMITTEE MEETINGS

## APPROPRIATIONS

**Convened:** Wednesday, January 12, 2011, 2:05 p.m.

**Members Present:** Dvorsky, Chair; Kettering, Ranking Member; Bartz, Black Boettger, Bolkcom, Danielson, Dix, Dotzler, Fraise, Hancock, Hogg, Houser, Jochum, Kapucian, Ragan, Schoenjahn, and Seymour.

**Members Absent:** McCoy, Vice Chair; Hatch and Johnson (all excused).

**Committee Business:** Organizational meeting.

**Adjourned:** 2:15 p.m.

## EDUCATION

**Convened:** Wednesday, January 19, 2011, 1:00 p.m.

**Members Present:** Quirnbach, Chair; Schoenjahn, Vice Chair; Hamerlinck, Ranking Member; Beall, Boettger, Bowman, Dvorsky, Hogg, Johnson, Smith, Soddors, and Wilhelm.

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

**Committee Business:** Presentations by UNI and YSS.

**Adjourned:** 2:00 p.m.

## HUMAN RESOURCES

**Convened:** Monday, January 24, 2011, 5:30 p.m.

**Members Present:** Ragan, Chair; Wilhelm, Vice Chair; Bacon, Boettger, Bolkcom, Dotzler, Dvorsky, Hatch, Jochum, Johnson, Quirnbach, and Whitver.

**Members Absent:** Seymour, Ranking Member (excused).

**Committee Business:** Presentation by the Department on Aging.

**Adjourned:** 5:45 p.m.

## APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Convened:** Wednesday, January 19, 2011, 10:15 a.m.

**Members Present:** Black, Chair; Dearden, Vice Chair; Hahn and Wilhelm.

**Members Absent:** Houser, Ranking Member (excused).

**Committee Business:** Organizational meeting.

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

#### APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

**Convened:** Wednesday, January 19, 2011, 10:10 a.m.

**Members Present:** Dotzler, Chair; Dandekar, Vice Chair; Boettger, Ranking Member; Bertrand and Seng.

**Members Absent:** None.

**Committee Business:** Organizational meeting.

**Adjourned:** 11:05 a.m.

**ALSO:**

**Convened:** Thursday, January 20, 2011, 10:15 a.m.

**Members Present:** Dotzler, Chair; Dandekar, Vice Chair; Boettger, Ranking Member; Bertrand and Seng.

**Members Absent:** None.

**Committee Business:** Presentations by the Department of Cultural Affairs and the Public Employee Relations Board.

**Adjourned:** 11:30 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

**Convened:** Thursday, January 20, 2011, 10:10 a.m.

**Members Present:** Hancock, Chair; Hogg, Vice Chair; Seymour, Ranking Member; Fraise and Smith.

**Members Absent:** None.

**Committee Business:** LSA presentation. Discussion on the Iowa Drug Court in Black Hawk County.

**Adjourned:** 11:30 a.m.

#### INTRODUCTION OF RESOLUTION

**Senate Joint Resolution 7**, by Behn, McKinley, Seymour, Chelgren, Kapucian, Johnson, Bartz, Hamerlinck, Greiner, Smith, Bacon, Feenstra, Zaun, and Whitver, 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 **State Government**.

#### INTRODUCTION OF BILLS

**Senate File 87**, by Hamerlinck and Black, a bill for an act creating criminal offenses for falsely claiming the receipt of certain military medals or decorations and providing penalties.

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

**Senate File 88**, by Kibbie, a bill for an act relating to tax revenues by increasing sales and use tax rates, by diverting a certain amount from the revenues generated from the increased rates to the natural resources and outdoor recreation trust fund and by using the balance of the revenues to provide a commercial property tax credit and including applicability provisions.

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

**Senate File 89**, by Feenstra, Johnson, Bartz, Kapucian, Bacon, Seymour, Boettger, Anderson, Smith, and Greiner, a bill for an act providing an individual income tax credit for certain supplies purchased by a teacher and including retroactive applicability provisions.

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

#### SUBCOMMITTEE ASSIGNMENTS

##### **Senate File 47**

WAYS AND MEANS: Quirmbach, Chair; Chelgren and Jochum

##### **Senate File 57**

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Hahn

**Senate File 61**

WAYS AND MEANS: Hogg, Chair; Bolkcom and Feenstra

**Senate File 63**

EDUCATION: Hogg, Chair; Bowman and Hamerlinck

**Senate File 65**

EDUCATION: Dvorsky, Chair; Hogg and Johnson

**Senate File 67**

EDUCATION: Beall, Chair; Boettger and Bowman

**Senate File 73**

WAYS AND MEANS: Quirmbach, Chair; Black and Zaun

**Senate File 82**

WAYS AND MEANS: Quirmbach, Chair; Black and Zaun

**EVENING SESSION**

The Senate reconvened at 5:06 p.m., President Kibbie presiding.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Senator Kapucian, until he returns, on request of Senator Johnson.

The Senate stood at ease at 5:07 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:51 p.m., President Kibbie presiding.

**ADJOURNMENT**

On motion of Senator Gronstal, the Senate adjourned at 5:52 p.m. until 9:00 a.m., Wednesday, January 26, 2011.

**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:

**WATERSHED PLANNING ADVISORY COUNCIL**

Final Interim Report, pursuant to 2010 Iowa Acts, [HF 2459](#). Report received on January 25, 2011.

**AGENCY ICN REPORT**

An Iowa Communications Network (ICN) usage report for FY 2010, pursuant to Iowa Code section 8D.10, was received from the following agency:

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP – Report received on January 25, 2011.

**CERTIFICATES OF RECOGNITION**

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

Helen Darrah, Burlington—For celebrating her 97<sup>th</sup> birthday. Senator Courtney (1/25/11).

Anita Erickson, Burlington—For celebrating her 80<sup>th</sup> birthday. Senator Courtney (1/25/11).

Dennis and Patricia Hudgel, Burlington—For celebrating their 50<sup>th</sup> wedding anniversary. Senator Courtney (1/25/11).

Dorothy Lind, Burlington—For celebrating her 92<sup>nd</sup> birthday. Senator Courtney (1/25/11).

**REPORTS OF COMMITTEE MEETINGS****AGRICULTURE**

**Convened:** Tuesday, January 25, 2011, 3:05 p.m.



**Members Present:** Seng, Chair; Fraise, Vice Chair; Johnson, Ranking Member; Black, Bowman, Courtney, Greiner, Hahn, Hancock, Houser, Kibbie, and Rielly.

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

**Committee Business:** Presentation by the Leopold Center.

**Adjourned:** 3:45 p.m.

## COMMERCE

**Convened:** Thursday, January 20, 2011, 1:05 p.m.

**Members Present:** Dandekar, Chair; Rielly, Vice Chair; Behn, Ranking Member; Anderson, Beall, Bolkcom, Courtney, Feenstra, Kettering, McCoy, Schoenjahn, Seng, Ward, Wilhelm, and Zaun.

**Members Absent:** None.

**Committee Business:** Presentations by ITC Midwest and the Iowa Association of Electric Cooperatives.

**Adjourned:** 1:50 p.m.

## ECONOMIC GROWTH/REBUILD IOWA

**Convened:** Tuesday, January 25, 2011, 2:10 p.m.

**Members Present:** Soddors, Chair; Dotzler, Vice Chair; Greiner, Ranking Member; Bacon, Bertrand, Bowman, Chelgren, Dandekar, Danielson, Horn, Rielly, Ward, Whitver, and Wilhelm.

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

**Committee Business:** Presentation by Cedar Valley TechWorks, Inc.

**Adjourned:** 3:00 p.m.

## ETHICS

**Convened:** Tuesday, January 25, 2011, 11:50 a.m.

**Members Present:** Kibbie, Chair; Fraise, Vice Chair; McKinley, Ranking Member; Behn, Kettering, and Seng.

**Members Absent:** None.

**Committee Business:** Discussed SSBs 1001 and 1002.

**Adjourned:** 12:05 p.m.

**JUDICIARY**

**Convened:** Monday, January 24, 2011, 4:40 p.m.

**Members Present:** Fraise, Chair; Hogg, Vice Chair; Boettger, Ranking Member; Dix, Dvorsky, Hancock, Horn, Jochum, Quirmbach, Sodders, Sorenson, Ward, and Whitver.

**Members Absent:** None.

**Committee Business:** Approved [SSB 1011](#).

**Recessed:** 4:45 p.m.

**Reconvened:** 4:55 p.m.

**Adjourned:** 5:00 p.m.

**NATURAL RESOURCES AND ENVIRONMENT**

**Convened:** Tuesday, January 25, 2011, 2:00 p.m.

**Members Present:** Dearden, Chair; Black, Vice Chair; Hahn, Ranking Member; Behn, Bolkcom, Hamerlinck, Hancock, Hogg, Ragan, Schoenjahn, Seng, and Sorenson.

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

**Committee Business:** Assigned bills. Passed [SF 7](#). Presentations by the Iowa Parks Foundation and the Department of Natural Resources.

**Adjourned:** 2:55 p.m.

**WAYS AND MEANS**

**Convened:** Tuesday, January 25, 2011, 1:05 p.m.

**Members Present:** Bolkcom, Chair; Seng, Vice Chair; Zaun, Ranking Member; Anderson, Bartz, Black, Chelgren, Dandekar, Dotzler, Feenstra, Hogg, Jochum, Quirmbach, and Smith.

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

**Committee Business:** DED presentation on enterprise zones.

**Adjourned:** 1:55 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** Tuesday, January 25, 2011, 10:10 a.m.

**Members Present:** Jochum, Chair; Danielson, Vice Chair; Bartz, Ranking Member; Bowman and Ernst.

**Members Absent:** None.

**Committee Business:** Presentations by the Secretary of State, Treasurer of State, and Auditor of State.

**Adjourned:** 11:30 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** Tuesday, January 25, 2011, 10:00 a.m.

**Members Present:** Schoenjahn, Chair; Quirnbach, Vice Chair; Dix, Ranking Member; Hamerlinck and Horn.

**Members Absent:** None.

**Committee Business:** Presentations by Iowa College Student Aid and Iowa Student Loan.

**Adjourned:** 11:30 a.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS**

**Convened:** Tuesday, January 25, 2011, 10:10 a.m.

**Members Present:** Beall, Vice Chair; Kapucian, Ranking Member; and Anderson.

**Members Absent:** McCoy, Chair; and Dvorsky (both excused).

**Committee Business:** Presentation by the DOT.

**Adjourned:** 11:20 a.m.

#### **INTRODUCTION OF RESOLUTIONS**

**Senate Concurrent Resolution 3**, by Sorenson, Chelgren, Bertrand, Feenstra, Boettger, Seymour, Bartz, Anderson, Bacon, Hamerlinck, Behn, Kettering, Johnson, Kapucian, Greiner, Hahn, Zaun, McKinley, Ernst, Dix, Smith, Whitver, Ward, and Houser, a concurrent resolution claiming state sovereignty under the Tenth Amendment to the Constitution of the United States over certain mandates imposed on the states by the federal government.

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

**Senate Joint Resolution 8**, by Sorenson, Chelgren, Bertrand, Feenstra, Boettger, Seymour, Bartz, Anderson, Bacon, Kettering, Hamerlinck, Behn, Johnson, Kapucian, Greiner, Hahn, Zaun, McKinley, Dix, Ernst, Smith, Whitver, Ward, and Houser, a joint resolution proposing an amendment to the Constitution of the State of Iowa regarding the validity and recognition of marriages in the state.

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

**Senate Resolution 3**, by committee on Ethics, a resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-fourth General Assembly.

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

#### INTRODUCTION OF BILLS

**Senate File 90**, by Zaun, Hahn, Behn, McKinley, Boettger, Bacon, Greiner, Hamerlinck, Kapucian, Ward, Chelgren, Seymour, Bertrand, Anderson, Ernst, Feenstra, Kettering, and Whitver, a bill for an act requiring drug testing for persons applying for or receiving state assistance.

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

**Senate File 91**, by Bolkom, 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 92**, by Bolkcom, Danielson, and Dvorsky, a bill for an act increasing punitive damages that may be awarded for wrongful retention of certain rental deposits.

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

**Senate File 93**, 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 94**, by Sorenson, Chelgren, Bertrand, Feenstra, Boettger, Seymour, Anderson, Bacon, Hamerlinck, Behn, Kettering, Johnson, Kapucian, Greiner, Hahn, Zaun, McKinley, Ernst, Smith, Whitver, Ward, Houser, Dix, and Bartz, 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 95**, by Hatch, a bill for an act relating to coverage of religious or spiritually based health or medical care and including applicability provisions.

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

#### STUDY BILLS RECEIVED

##### **SSB 1050      Local Government**

Relating to the county recorder fees charged for each recorded transaction.

##### **SSB 1051      Ways and Means**

Relating to assessment of telecommunications company property for purposes of property taxation, and including effective date and applicability provisions.

**SSB 1052      Ways and Means**

Relating to the administration of the tax and related laws by updating the Code references to the Internal Revenue Code and by decoupling from certain federal bonus depreciation provisions and including effective date and retroactive applicability provisions.

**SSB 1053      Local Government**

Relating to the determination of city population for purposes of civil service commissions.

**SSB 1054      Human Resources**

Relating to vision screening for school children.

**SUBCOMMITTEE ASSIGNMENTS****Senate File 66**

EDUCATION: Schoenjahn, Chair; Hamerlinck and Quirmbach

**Senate File 75**

VETERANS AFFAIRS: Sodders, Chair; Ernst and Kibbie

**Senate File 79**

VETERANS AFFAIRS: Kibbie, Chair; Ragan and Seymour

**Senate File 80**

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Behn and Ragan

**Senate File 83**

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Black and Kapucian

**Senate File 87**

VETERANS AFFAIRS: Black, Chair; Ernst and Horn

**SSB 1050**

LOCAL GOVERNMENT: Wilhelm, Chair; Bartz and Bowman

**SSB 1051**

WAYS AND MEANS: Jochum, Chair; Bolkom and Feenstra

**SSB 1052**

WAYS AND MEANS: Jochum, Chair; Anderson and Hogg

**SSB 1053**

LOCAL GOVERNMENT: Rielly, Chair; Bacon and Schoenjahn

**SSB 1054**

HUMAN RESOURCES: Dvorsky, Chair; Ragan and Whitver

**FINAL COMMITTEE REPORTS OF BILL ACTION****ETHICS**

**Bill Title:** [SENATE RESOLUTION 3 \(SSB 1002\)](#), a resolution relating to the Senate Code of Ethics governing the conduct of members of the Senate in relation to their senatorial duties during the Eighty-fourth General Assembly.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 6: Kibbie, Fraise, McKinley, Behn, Kettering, and Seng. Nays, none. Absent, none.

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

**JUDICIARY**

**Bill Title:** [SENATE FILE 93 \(SSB 1011\)](#), 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, 13: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Soddors, Sorenson, Ward, and Whitver. Nays, none. Absent, none.

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

**NATURAL RESOURCES AND ENVIRONMENT**

**Bill Title:** [SENATE FILE 7](#), a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 12: Dearden, Black, Hahn, Behn, Bolkcom, Hamerlinck, Hancock, Hogg, Ragan, Schoenjahn, Seng, and Sorenson. Nays, none. Absent, 1: Kapucian.

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

AMENDMENT FILED

S-3001      S.R.      2      Merlin Bartz