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**STATE OF IOWA**

**Senate Journal**

**TUESDAY, FEBRUARY 1, 2011**

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# JOURNAL OF THE SENATE

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TWENTY-THIRD CALENDAR DAY  
FOURTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Tuesday, February 1, 2011

The Senate met in regular session at 9:09 a.m., President Pro Tempore Danielson presiding.

Prayer was offered by Candy Boucher, former associate minister of the First Evangelical Lutheran Church in Centerville, Iowa, who sang "Amazing Grace". She was the guest of Senator Jochum.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Jim Gulbranson.

The Journal of Monday, January 31, 2011, was approved.

## CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Resolutions 4 and 3.

### [Senate Resolution 4](#)

On motion of Senator Kettering, [Senate Resolution 4](#), a resolution relating to the Senate Rules Governing Lobbyists and their interactions with the Senate and members of the Senate during the Eighty-fourth General Assembly, was taken up for consideration.

Senator Kettering moved the adoption of [Senate Resolution 4](#), which motion prevailed by a voice vote.

### Senate Resolution 3

On motion of Senator Kibbie, [Senate Resolution 3](#), 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, was taken up for consideration.

Senator Chelgren offered amendment [S-3006](#), filed by him from the floor to page 3 of the bill.

Senator Hogg asked and received unanimous consent that action on amendment [S-3006](#) and [Senate Resolution 3](#) be **deferred**.

### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 9:38 a.m. until 9:00 a.m., Wednesday, February 2, 2011.

### 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

Iowa Capitol Planning Commission 2010 Annual Report, pursuant to Iowa Code section 8A.373. Report received on January 31, 2011.

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

FY 2010 Annual Report, pursuant to Iowa Code section 15.104(8). Report received on January 31, 2011.

#### DEPARTMENT OF EDUCATION

FY 2010 Report on Community Colleges, pursuant to Iowa Code section 260C.14. Report received on January 31, 2010.

#### DEPARTMENT OF HUMAN RIGHTS

2011 Sex Offender Research Council Annual Report, pursuant to Iowa Code section 216A.139(5). Report received on February 1, 2011.

## DEPARTMENT OF TRANSPORTATION

2010 Registered Flex Fuel Vehicles Report, pursuant to Iowa Code section 452A.33(3). Report received on February 1, 2011.

Status Report on Midwest Regional Rail Passenger Initiative and Passenger Rail Service in Iowa, pursuant to Iowa Code sections 327J.3(1) and 327J.3(5). Report received on February 1, 2011.

## IOWA JUDICIAL BRANCH

2011 Enhanced Court Collections Fund Annual Report, pursuant to 2010 Iowa Acts, chapter 1185, section 1(8). Report received on February 1, 2011.

## TREASURER OF STATE

Linked Investments for Tomorrow Annual Report, pursuant to Iowa Code section 12.38. Report received on February 1, 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 ADMINISTRATIVE SERVICES – Report received on February 1, 2011.

## CERTIFICATE OF RECOGNITION

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

Bruce E. Bergman—For his many years of service in the legal department of the City of Des Moines. Senator Gronstal (2/1/11).

## REPORTS OF COMMITTEE MEETINGS

## NATURAL RESOURCES AND ENVIRONMENT

**Convened:** Tuesday, February 1, 2011, 2:00 p.m.

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

**Members Absent:** Behn and Hamerlinck (both excused).

**Committee Business:** Passed [SF 80](#), as amended. Presentation on Woodland Health.

**Adjourned:** 3:05 p.m.

#### TRANSPORTATION

**Convened:** Monday, January 31, 2011, 4:35 p.m.

**Members Present:** Rielly, Chair; Bowman, Vice Chair; Kapucian, Ranking Member; Beall, Dandekar Danielson, Dearden, Hahn, Hancock, Houser, and Zaun.

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

**Committee Business:** Passed [SF 78](#).

**Adjourned:** 4:50 p.m.

#### WAYS AND MEANS

**Convened:** Tuesday, February 1, 2011, 1:05 p.m.

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

**Members Absent:** None.

**Committee Business:** Property tax assessment overview by the Department of Revenue.

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

#### APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

**Convened:** Tuesday, February 1, 2011, 10:15 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by the Office of the Consumer Advocate.

**Adjourned:** 10:55 a.m.

#### APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

**Convened:** Tuesday, February 1, 2011, 10:15 a.m.

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

**Members Absent:** None.

**Committee Business:** Budget overview presentation by LSA Fiscal Services Division.

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

#### APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

**Convened:** Tuesday, February 1, 2011, 10:15 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentation by the Department of Public Safety.

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

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

**Convened:** Tuesday, February 1, 2011, 10:15 a.m.

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

**Members Absent:** None.

**Committee Business:** LSA review of Governor's budget recommendations.

**Adjourned:** 10:40 a.m.

#### INTRODUCTION OF BILLS

[Senate File 118](#), by Bolkcom, a bill for an act increasing the amount of tax credits available under the endow Iowa program.

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

[Senate File 119](#), by Ragan, Wilhelm, Jochum, Bowman, Soddors, Bolkcom, Dotzler, Seng, Hancock, Schoenjahn, Beall, McCoy, Horn, Dearden, Fraise, Courtney, Dandekar, Gronstal, Kibbie, Black, Hatch, Rielly, and Quirnbach, a bill for an act relating to the creation

of 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 120](#), by committee on Education, a bill for an act relating to the grounds for which the board of educational examiners is required to disqualify an applicant for licensure or revoke a license.

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

[Senate File 121](#), by committee on Judiciary, a bill for an act relating to donations made in a criminal proceeding.

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

[Senate File 122](#), by committee on Education, a bill for an act relating to the duties of the college student aid commission and to requirements regarding certain financial aid programs administered by the commission.

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

[Senate File 123](#), by committee on Education, a bill for an act providing for immunity from civil liability for members and employees of the board of educational examiners.

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

[Senate File 124](#), by committee on Judiciary, a bill for an act relating to the criminal offense of possessing electronic contraband or failing to report electronic contraband at a jail, municipal holding facility, or correctional facility and providing penalties.

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

[Senate File 125](#), by committee on Education, a bill for an act relating to the registration of certain postsecondary schools by the college student aid commission, making an appropriation, and making penalties applicable.

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

#### STUDY BILLS RECEIVED

[SSB 1077](#)      **Human Resources**

Relating to reforming state and county responsibilities for adult mental health, mental retardation, and developmental disabilities services and providing effective dates.

[SSB 1078](#)      **Natural Resources**

Relating to wind energy development and production.

[SSB 1079](#)      **Natural Resources**

Relating to snowmobile registration and permit fees.

[SSB 1080](#)      **Human Resources**

Relating to the membership of the medical assistance advisory council.

[SSB 1081](#)      **Human Resources**

Relating to approval of pilot or demonstration research projects in the practice of pharmacy.

#### SUBCOMMITTEE ASSIGNMENTS

[Senate File 88](#)

WAYS AND MEANS: Hogg, Chair; Black and Feenstra

[Senate File 100](#)

AGRICULTURE: Courtney, Chair; Kapucian and Rielly



[Senate File 107](#)

WAYS AND MEANS: Quirmbach, Chair; Jochum and Zaun

[Senate File 115](#)

ECONOMIC GROWTH/REBUILD IOWA: Bowman, Chair; Rielly and Whitver

[Senate File 116](#)

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

[Senate File 117](#)

HUMAN RESOURCES: Hatch, Chair; Bolkcom and Seymour

[SSB 1077](#)

HUMAN RESOURCES: Hatch, Chair; Bolkcom, Johnson, Ragan, and Seymour

[SSB 1078](#)

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

[SSB 1079](#)

NATURAL RESOURCES AND ENVIRONMENT: Schoenjahn, Chair; Kapucian and Ragan

[SSB 1080](#)

HUMAN RESOURCES: Wilhelm, Chair; Boettger and Dvorsky

[SSB 1081](#)

HUMAN RESOURCES: Wilhelm, Chair; Dvorsky and Seymour

## FINAL COMMITTEE REPORTS OF BILL ACTION

### EDUCATION

**Bill Title:** [SENATE FILE 120 \(SSB 1026\)](#), a bill for an act relating to the grounds for which the board of educational examiners is required to disqualify an applicant for licensure or revoke a license.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Quirmbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Sodders, and Wilhelm. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** [SENATE FILE 122 \(SSB 1024\)](#), a bill for an act relating to the duties of the college student aid commission and to requirements regarding certain financial aid programs administered by the commission.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm. Nays, none. Absent, none.

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

**ALSO:**

**Bill Title:** \*[SENATE FILE 123 \(SSB 1025\)](#), a bill for an act providing for immunity from civil liability for members and employees of the board of educational examiners.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm. Nays, none. Absent, none.

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

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on [Senate File 123](#), and they were attached to the committee report.

**ALSO:**

**Bill Title:** \*[SENATE FILE 125 \(SSB 1020\)](#), a bill for an act relating to the registration of certain postsecondary schools by the college student aid commission, making an appropriation, and making penalties applicable.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 13: Quirnbach, Schoenjahn, Hamerlinck, Beall, Boettger, Bowman, Dvorsky, Feenstra, Hogg, Johnson, Smith, Soddors, and Wilhelm. Nays, none. Absent, none.

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

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on [Senate File 125](#), and they were attached to the committee report.

**JUDICIARY**

**Bill Title:** [SENATE FILE 121 \(SSB 1013\)](#), a bill for an act relating to donations made in a criminal proceeding.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Sodders, Sorenson, and Whitver. Nays, none. Absent, 1: Ward.

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

**ALSO:**

**Bill Title:** \*[SENATE FILE 124 \(SSB 1012\)](#), a bill for an act relating to the criminal offense of possessing electronic contraband or failing to report electronic contraband at a jail, municipal holding facility, or correctional facility and providing penalties.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 12: Fraise, Hogg, Boettger, Dix, Dvorsky, Hancock, Horn, Jochum, Quirnbach, Sodders, Sorenson, and Whitver. Nays, none. Absent, 1: Ward.

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

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 124](#), and they were attached to the committee report.

**TRANSPORTATION**

**Bill Title:** [SENATE FILE 78](#), a bill for an act concerning the operation of motorcycles equipped with detachable stabilizing rear wheels on Iowa roads.

**Recommendation:** DO PASS.

**Final Vote:** Ayes, 11: Rielly, Bowman, Kapucian, Beall, Dandekar, Danielson, Dearden, Hahn, Hancock, Houser, and Zaun. Nays, none. Absent, 2: Ernst and McCoy.

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

**AMENDMENT FILED**

[S-3006](#)      [S.R. \\_\\_\\_\\_\\_ 3](#)      Mark Chelgren