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**STATE OF IOWA**

**Senate Journal**

**WEDNESDAY, FEBRUARY 2, 2011**

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# JOURNAL OF THE SENATE

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TWENTY-FOURTH CALENDAR DAY  
FIFTEENTH SESSION DAY

Senate Chamber  
Des Moines, Iowa, Wednesday, February 2, 2011

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

The Senate observed a moment of silence to honor fallen U.S. Army Specialist Shawn Muhr of Coon Rapids, Iowa.

Prayer was offered by Pastor Terry Amann of Walnut Creek Community Church in Des Moines, Iowa. He was the guest of Senator Zaun.

## PLEDGE OF ALLEGIANCE

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

The Journal of Tuesday, February 1, 2011, 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 February 1, 2011, **adopted** the following resolution in which the concurrence of the Senate is asked:

[House Joint Resolution 6](#), 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 and referred to committee on **State Government**.

## RECESS

On motion of Senator Gronstal, the Senate recessed at 9:10 a.m. until 4:00 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 ADMINISTRATIVE SERVICES**

Downtown Des Moines RFP Report, pursuant to 2010 Iowa Acts, [SF 2389](#), section 48. Report received on February 1, 2011.

Cost Benefit Analysis Report for Office Space, pursuant to 2010 Iowa Acts, [SF 2389](#), section 49. Report received on February 1, 2011.

**DEPARTMENT OF HUMAN RIGHTS**

2011 Iowa Collaboration for Youth Development Council Annual Report, pursuant to Iowa Code section 216A.140. Report received on February 1, 2011.

**DEPARTMENT OF REVENUE**

2009 Tax Year Report on Dependent Health Care Coverage, pursuant to 2010 Iowa Acts, [HF 2539](#), section 4. Report received on February 2, 2011.

**CERTIFICATES OF RECOGNITION**

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

Gertrude Grinstead, Burlington—For celebrating her 90<sup>th</sup> birthday. Senator Courtney (2/2/11).

Delores Wall, Burlington—For celebrating her 80<sup>th</sup> birthday. Senator Courtney (2/2/11).

**REPORTS OF COMMITTEE MEETINGS****ECONOMIC GROWTH/REBUILD IOWA**

**Convened:** Tuesday, February 1, 2011, 2:05 p.m.

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

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

**Committee Business:** Free enterprise zones presentation by the Department of Economic Development.

**Adjourned:** 2:40 p.m.

#### **EDUCATION**

**Convened:** Monday, January 31, 2010, 3:10 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved SSBs 1024 and 1026. Approved SSBs 1020 and 1025, as amended.

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

#### **VETERANS AFFAIRS**

**Convened:** Tuesday, February 1, 2011, 3:05 p.m.

**Members Present:** Beall, Chair; Danielson, Vice Chair; Seymour, Ranking Member; Bacon, Ernst, Greiner, Horn, Kibbie, Ragan, and Soddors.

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

**Committee Business:** Presentation by the Iowa National Guard.

**Adjourned:** 3:50 p.m.

#### **APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION**

**Convened:** Wednesday, February 2, 2011, 10:20 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations by the Department of Human Rights, Alcoholic Beverage Commission, Credit Union Division, Insurance Commissioner, and Iowa Utilities Board.

**Adjourned:** 12:15 p.m.

**APPROPRIATIONS SUBCOMMITTEE ON EDUCATION**

**Convened:** Wednesday, February 2, 2011, 10:15 a.m.

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

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

**Committee Business:** Iowa core curriculum and budget presentation by the Department of Education.

**Adjourned:** 11:25 a.m.

**APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM**

**Convened:** Wednesday, February 2, 2011, 10:20 a.m.

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

**Members Absent:** None.

**Committee Business:** Presentations by the Iowa Law Enforcement Academy and the Office of the State Public Defender.

**Adjourned:** 11:35 a.m.

**INTRODUCTION OF BILLS**

[Senate File 126](#), by Ragan, Wilhelm, Jochum, Soddors, Bolkcom, Dotzler, Seng, Hancock, Schoenjahn, Beall, McCoy, Horn, Dearden, Fraise, Courtney, Dandekar, Gronstal, Kibbie, Black, Hatch, Quirnbach, and Rielly, 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 127](#), by Ragan, Wilhelm, Jochum, Bowman, Soddors, Bolkcom, Danielson, Dotzler, Seng, Hancock, Schoenjahn, Beall, McCoy, Horn, Dearden, Fraise, Courtney, Dandekar, Gronstal, Kibbie, Hatch, Black, Quirnbach, Hogg, and Rielly, a bill for an act relating to and making an appropriation for the case management program for the frail elderly.

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

[Senate File 128](#), by Bolkcom, a bill for an act prohibiting the carrying of weapons in state and municipal buildings and providing a penalty.

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

[Senate File 129](#), by Zaun, Kettering, McKinley, Anderson, Bertrand, Greiner, Chelgren, Johnson, Sorenson, Bartz, Seymour, and Whitver, a bill for an act prohibiting the use of automated traffic enforcement systems and requiring the removal of existing systems, and including effective date provisions.

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

[Senate File 130](#), by committee on Natural Resources and Environment, a bill for an act relating to raccoon hunting.

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

[Senate File 131](#), by Hatch, a bill for an act relating to indemnification of hospitals participating in the volunteer health care provider program.

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

## FINAL COMMITTEE REPORTS OF BILL ACTION

### NATURAL RESOURCES AND ENVIRONMENT

**Bill Title:** \*[SENATE FILE 130](#) (formerly [SF 80](#)), a bill for an act relating to raccoon hunting.

**Recommendation:** APPROVED COMMITTEE BILL.

**Final Vote:** Ayes, 11: Dearden, Black, Hahn, Bolkcom, Hancock, Hogg, Kapucian, Ragan, Schoenjahn, Seng, and Sorenson. Nays, none. Absent, 2: Behn and Hamerlinck.

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

\*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on [Senate File 130](#), and they were attached to the committee report.

### EVENING SESSION

The Senate reconvened at 4:23 p.m., President Kibbie presiding.

### SPECIAL GUESTS

President Kibbie introduced to the Senate chamber former members of the Senate, the Honorable William Heckroth from Bremer County, Waverly, Iowa, and the Honorable Rich Olive from Story County, Story City, Iowa.

The Senate rose and expressed its welcome.

The Senate stood at ease at 4:24 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.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Chelgren, 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 7](#).

### [Senate File 7](#)

On motion of Senator Dearden, [Senate File 7](#), a bill for an act providing for a .08 blood alcohol limit for motorboat or sailboat operating while intoxicated offenses, 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?" ([S.F. 7](#)), the vote was:

Yeas, 40:

Bacon	Dearden	Hancock	Ragan
Beall	Dotzler	Hatch	Rielly
Behn	Dvorsky	Hogg	Schoenjahn
Black	Ernst	Houser	Seng
Boettger	Feenstra	Jochum	Seymour
Bolkcom	Fraise	Johnson	Smith
Bowman	Greiner	Kibbie	Sodders
Courtney	Gronstal	McCoy	Ward
Dandekar	Hahn	McKinley	Whitver
Danielson	Hamerlinck	Quirnbach	Wilhelm

Nays, 9:

Anderson	Dix	Kettering
Bartz	Horn	Sorenson
Bertrand	Kapucian	Zaun

Absent, 1:

Chelgren

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

#### ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 4:41 p.m. until 9:00 a.m., Thursday, February 3, 2011.



**APPENDIX—2****CERTIFICATES OF RECOGNITION**

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

Michael Gallo, Grinnell—For achieving the rank of Eagle Scout. Senator Rielly (2/2/11).

Bill Ward, Fremont—For serving the community with “spiffy” haircuts for nearly 50 years. Senator Rielly (2/2/11).

**REPORTS OF COMMITTEE MEETINGS****LOCAL GOVERNMENT**

**Convened:** Wednesday, February 2, 2011, 2:05 p.m.

**Members Present:** Wilhelm, Chair; Beall, Vice Chair; Bartz, Ranking Member; Bacon, Bowman, Ernst, McCoy, Quirmbach, Rielly, and Schoenjahn.

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

**Committee Business:** Presentation by the Iowa League of Cities.

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

**TRANSPORTATION**

**Convened:** Wednesday, February 2, 2011, 3:10 p.m.

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

**Members Absent:** None.

**Committee Business:** Approved [SSB 1036](#). Presentation by the Office of Rail Transportation.

**Adjourned:** 4:15 p.m.

## INTRODUCTION OF BILLS

[Senate File 132](#), 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 133](#), by McKinley, a bill for an act authorizing school districts to pay certain teachers a mathematics or science teacher salary supplement.

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

[Senate File 134](#), by McKinley, a bill for an act relating to the discontinuance of a teacher contract by the board of directors of a school district.

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

[Senate File 135](#), by McKinley, a bill for an act relating to the minimum hours of instructional time in a school day for school districts, charter schools, and accredited nonpublic schools and including effective date and applicability provisions.

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

[Senate File 136](#), by McKinley, a bill for an act relating to alternative practitioner preparation pilot programs to prepare individuals to teach elementary and secondary students.

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

[Senate File 137](#), by McKinley, a bill for an act establishing a value-added assessment system to calculate annually the academic growth of students enrolled in school districts at grade levels three through eleven.

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

[Senate File 138](#), by Hamerlinck, a bill for an act exempting from the state individual income tax federal retirement pay received for military service and including retroactive applicability provisions.

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

[Senate File 139](#), by Hamerlinck, a bill for an act requiring the development of a searchable budget database and internet site for the public to access the details of the expenditure of state tax revenues and a searchable tax rate database and internet site for the public to access the details of each tax rate for all taxing districts in the state.

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

[Senate File 140](#), by Hogg, a bill for an act authorizing a contingent appropriation from the Iowa economic emergency fund and the cash reserve fund.

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

#### STUDY BILLS RECEIVED

##### [SSB 1082](#)      **Ways and Means**

Relating to the technical administration of the tax and related laws by the department of revenue, including the administration of income taxes, sales and use taxes, franchise fees, property taxes, the environmental protection charge, and notification of annexation or severance by cities and including retroactive applicability provisions.

##### [SSB 1083](#)      **Transportation**

Relating to matters under the purview of the department of transportation, including provisions relating to the regulation of motor vehicles and motor vehicle operations and provisions relating to the coordination of public transit funding programs, and making penalties applicable.

## SUBCOMMITTEE ASSIGNMENTS

[Senate File 71](#)

ECONOMIC GROWTH/REBUILD IOWA: Dandekar, Chair; Danielson and Ward

[Senate File 84](#)

ECONOMIC GROWTH/REBUILD IOWA: Soddors, Chair; Bacon and Dotzler

[Senate File 101](#)

JUDICIARY: Fraise, Chair; Boettger and Hancock

[Senate File 118](#)

WAYS AND MEANS: McCoy, Chair; Anderson and Dandekar

[Senate File 128](#)

JUDICIARY: Hogg, Chair; Jochum and Sorenson

[Senate File 129](#)

TRANSPORTATION: Zaun, Chair; Danielson and Rielly

[SSB 1082](#)

WAYS AND MEANS: Jochum, Chair; Bolkcom and Smith

[SSB 1083](#)

TRANSPORTATION: Danielson, Chair; Bowman and Ernst

## AMENDMENT FILED

[S-3007](#)      [S.R. 3](#)      John P. Kibbie